



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.3062 OF 2022

A.Manivannan

... Petitioner

Vs.

1. The Chennai Commissioner of Police,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.
3. The Inspector of Police,
R-10, MGR Nagar Police Station,
MGR Nagar, Chennai-600 078.
4. Rajesh
5. Nandakumar

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the Inspector of Police, R-10-MGR Nagar, the third respondent herein to register a case on the complaint filed by the petitioner before the first respondent on 15.09.2021, investigate and take appropriate further steps against Mr.Rajesh and Mr.Nandakumar, the fourth and fifth respondents herein who have committed the offence including criminal breach of trust and cheating and take other necessary steps to recover the amount from them within the stipulated time.

For Petitioners : Mr.P.Thiagarajan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to direct the respondent to register the complaint letter dated 15.09.2021 according to law.



2. Heard the learned counsel and perused the materials available on record.

3. This petition is not maintainable, in view of the Order passed by a Hon'ble Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Cr1 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam v. S.Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

4. Considering the same, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rgm/mrn

To

1. The Chennai Commissioner of Police,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.
3. The Inspector of Police,
R-10, MGR Nagar Police Station,
MGR Nagar, Chennai-600 078.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Thiagarajan, Advocate, S.R.No.10921

Cr1.O.P.No.3062 of 2022

MT(CO)

RLP(16/03/2022)