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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.2.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.1522 of 2022

P.Murali

Petitioner

vs.

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Deputy Assistant Commissioner of
Police,
O/o. The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.
3. The Assistant Commissioner of Police,
O/o. The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.
4. The Inspector of Police,
O/o. The Commissioner of Police,
CCB-II, EDF-III, Team 21,
Vepery, Chennai 600 007.

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 4th respondent to register a case on the petitioner's complaint dated 12.11.2021 given by the petitioner.

For Petitioner : Mr.P.K.Ganesh

For Respondents : Mr.A.Gokulakrishnan, APP

ORDER

The petition has been filed seeking a direction to the 4th respondent to register a case on the petitioner's complaint dated 12.11.2021 given by the petitioner.



2. Learned counsel appearing for the petitioner would submit that the petitioner, alongwith one Sasikumar, had been running a Car Showroom in the name of Phoneix Motors at Poonamalle and the said Sasikumar had cheated him in selling a property by creating forged documents and thereupon, he had lodged the complaint with the police, and finding no progress in the case, he has been constrained to approach this court seeking its indulgence.

3. When the matter is taken up for hearing, learned Additional Public Prosecutor appearing for the respondents would submit that the complaint pertains to a dispute between the Partners of a Firm and the respondents have advised them to approach the civil courts.

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

5. 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 CrI 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.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssk.



To

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Deputy Assistant Commissioner of
Police,
O/o. The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.
3. The Assistant Commissioner of Police,
O/o. The Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.
4. The Inspector of Police,
O/o. The Commissioner of Police,
CCB-II, EDF-III, Team 21,
Vepery, Chennai 600 007.
5. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.P.K.Ganesh, Advocate, S.R.No.10025

Criminal Original Petition No.1522 of 2022

PMK(CO)
SU(02/03/2022)