



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4230 OF 2022

M/s.Arihant Industrial & Safety Solutions,
Represented by Mr.Narpat Chand Lodha,
S/o. Late Padamchand Lodha,
Male, Aged 47 years,
No.12, Broadway Main Road,
Chennai- 600 108

... Petitioner

Vs.

The State,
Rep by the Inspector of Police,
B2, Esplanade Police Station,
Esplanade Road,
Parrys, George Town,
Chennai 600 001.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the FIR based on the complaint of the petitioner dated 08.12.2021 registered in Reference No.EAN21187995.

For Petitioner : Mr.S.Thiruvengadam

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police to register the FIR based on the complaint of the petitioner dated 08.12.2021 registered in Reference No.EAN21187995.



2. Heard the learned Government Advocate (criminal side) 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's 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 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. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Inspector of Police,
B2, Esplanade Police Station,
Esplanade Road,
Parrys, George Town,
Chennai 600 001.

2. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.12122

Cr1.O.P.No.4230 of 2022

RSV(CO)
RLP(14/03/2022)