



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4032 of 2022

H.B.Hussain Baig

... Petitioner/
Complainant

Vs.

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police
Cyber Crime
O/o.The Superintendent of Police,
Krishnagiri District.

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to direct the 2nd respondent police to register FIR on the basis of the complaint given by the petitioner dated 11.01.2022 and investigate the matter in accordance with law.

For Petitioner : Mr.R.Balaguru Swamy
For Respondents : Mr.V.Meghanathan
Govt. Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed to direct the 2nd respondent police to register FIR on the basis of the complaint given by the petitioner dated 11.01.2022

2. Heard the learned counsels 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 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.

4. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nr/nti

To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police
Cyber Crime
O/o.The Superintendent of Police,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.4032 of 2022

GPL(CO)
CT 04/04/2022