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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM

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

CRL.O.P.NO.5126 OF 2022

M/S.Elgi Ultra Limited,
Represented by its Director,
Mr.B.Balakrishnan, Age-55,
India House,
1443/1,
Trichy Road,
Coimbatore - 641 018.

... Petitioner

Vs

1. The Commissioner of Police,
Coimbatore City.
2. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to take further action on the complaint of the petitioner dated 15.07.2021, lodged to the first respondent and register the case and investigate the same according to law.

For Petitioner	:	Mr.R.Sivakumar
For Respondents	:	Mr.V.Meghanathan Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the second respondent to take further action on the complaint of the petitioner dated 15.07.2021, lodged to the first respondent and register the case and investigate the same according to law.



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2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (criminal side) appearing for the respondents would submit that the respondents have conducted the preliminary enquiry and the same has been closed.

3. Heard both sides and perused the materials available on record.

4. 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 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.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Commissioner of Police,
Coimbatore City.
2. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.5126 of 2022

NK(CO)

RLP(18/03/2022)