



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7198 of 2022

Pine Flat Owners Welfare Association
Rep. by its President Mr.Ganapathy Suresh,
Pine Block, Orchid Springs,
Water Canal Road, Korattur,
Chennai 600 076.

... Petitioner

Vs

1.The Commissioner of Police,
Avadi Commissionerate,
Greater Chennai Police,
Chennai 600 058.

2.The Assistant Commissioner of Police,
CTH Road, Ambattur,
Chennai 600 053.

3.The Inspector of Police,
T3, Korattur Police Station,
Korattur, Chennai.

4.Alliance Projects
by its Managing Director,
No.36/1, Gandhi Mandapam Road,
Kotturpuram, Chennai 600 085.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Respondents 1 to 3 herein to register FIR on the Petitioner's complaint dated 09.01.2022 and proceed against the 4th Respondent and its staff, employees and subordinates in manner known to law.

For Petitioner : Mr.R.Amizthu

For Respondents : Mr.V.Meganathan,
Government Advocate (Crl.side)



O R D E R

This Criminal Original Petition has been filed to direct the Respondents 1 to 3 to register FIR on the Petitioner's complaint dated 09.01.2022 and proceed against the 4th Respondent and its staff, employees and subordinates.

2. Heard the learned counsel for the petitioner and 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 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'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(CS-IX)

// True Copy //

Sub Assistant Registrar

shk/sai

To

1.The Commissioner of Police,
Avadi Commissionerate,
Greater Chennai Police,
Chennai 600 058.



2.The Assistant Commissioner of Police,
CTH Road, Ambattur,
Chennai 600 053.

3.The Inspector of Police,
T3, Korattur Police Station,
Korattur, Chennai.

4.The Managing Director,
Alliance Projects,
No.36/1, Gandhi Mandapam Road,
Kotturpuram, Chennai-600 085.

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

+2cc to M/s.R.Amizhdhu, Advocate SR.No.21303, 21989

Cr1.O.P.No.7198 of 2022

RSI (CO)
CB(11/04/2022)