



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.9117 of 2022

T. Singaperumal

...Petitioner

Vs

State
rep. By The Inspector of Police
T 1 Ambattur Police Station
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register a case based upon the petitioner's complaint dated 31/3/2022.

For Petitioner ... Mr.A.Manojkumar

For Respondent ... Mr.A. Gokulakrishnan
Additional Public Prosecutor

O R D E R

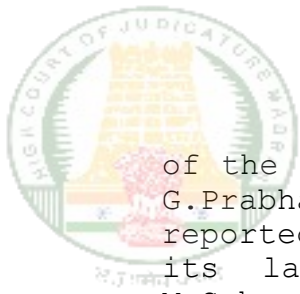
This Criminal Original Petition has been filed to direct the respondent to register a case based upon the petitioner's complaint dated 31/3/2022.

2.Heard Mr.A.Manojkumar, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondent.

3.The main allegation of the petitioner is that some third party had misused the document of the petitioner and obtained bank loan.

4.The learned counsel appearing for the petitioner submitted that attachment is ordered under SARFAESI proceedings.

5.Without challenging the SARFAESI proceedings, the petitioner cannot sought for registration of the First Information report. 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.

6.In the result, this Criminal Original Petition is dismissed. Liberty is granted to the petitioner to workout his remedy, as per the directions issued by the Hon'ble Division Bench in the order referred supra.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Inspector of Police
T 1 Ambattur Police Station
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Manojkumar, Advocate, S.R.No.33508

CrI.O.P.No.9117 of 2022

PL(CO)
RGA(17/06/2022)