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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.22734 of 2021

G.Anandraj

...Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

2. The Deputy Commissioner of Police,
6th Avenue, P Block, Anna Nagar,
Chennai - 600 040.

3. The Assistant Commissioner of Police,
P.H.Road, Maduravayal,
Chennai - 600 095.

4. State represented by:
The Inspector of Police,
T-4, Maduravayal Police Station,
Chennai.

...Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent No.4 to register a case on the petitioner's complaint dated 04.10.2021 and to investigate the same within a time frame fixed by this Court.

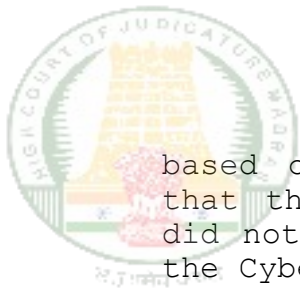
For Petitioner : Mr.K.R.Rameshkumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the 4th respondent to register a case on the petitioner's complaint dated 04.10.2021 and to investigate the case.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioner had sent a complaint on 04.10.2021 in CSR.No.992 of 2021 and



based on the complaint, an enquiry was conducted and finding that the alleged offences are under IT Act, the 4th respondent did not register a case and directed the petitioner to approach the Cyber Cell.

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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 stands disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

nr/nti

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
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Chennai - 600 040.
3. The Assistant Commissioner of Police,
P.H.Road, Maduravayal,
Chennai - 600 095.
4. The Inspector of Police,
T-4, Maduravayal Police Station,
Chennai.



5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.20285

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EV(CO)
RN(05/05/2022)