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Crl.O.P.No.30031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30031 of 2022

R.Lakshmipathi

... Petitioner

Vs.

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
B-3 Taluk Police Station,
Kancheepuram District.

3.M/S.Colour Home Developers Limited,
No.23/19, 7th Street,
W-Block Anna Nagar,
Chennai 600 040.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 & 2 to register the petitioner's complaint dated 03.04.2021 against the third respondent in an FIR and initiate investigation.



Crl.O.P.No.30031 of 2022

For Petitioner : Ms.Kavitha Nithayanandan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

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ORDER

This Criminal Original Petition has been filed to direct the respondents 1 & 2 to register the FIR based on the complaint of the petitioner dated 03.04.2021 against the third respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents and perused the materials available on record.

3. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and 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



Crl.O.P.No.30031 of 2022

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.

4. In view of the above, this Criminal Original Petition stands dismissed. However, liberty is given to the petitioner to workout his remedy in the manner known to law.

06.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To:

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
B-3 Taluk Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30031 of 2022

G.CHANDRASEKHARAN, J.
shk

Crl.O.P. No.30031 of 2022

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