



W.P.No.25048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25048 of 2023

N.Krishnamoorthy

...Petitioners

VS.

- 1.The Superintendent of Police,
Kanchipuram, Kanchipuram District.
- 2.The Superintendent of Police,
Economic Offence Wing,
Ashok Nagar, PTC College,
Chennai
- 3.The Directorate of Enforcement,
2nd Floor, Kusu Kumar Street,
Nungambakkam
Chennai
- 4.The Assistant Registrar,
Assistant Registrar of Companies,
Ministry of Corporate Affairs,
Sasthri Bhavan,
Nungambakkam,
Chennai
- 5.The Deputy Superintendent of Police,
Sriperumpudhur Taluk,
Kanchipuram District.



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6.The Project Manager,
Vallam SIPCOT,
Sriperumpudhur,
Kanchipuram District.

7.The Inspector of Police,
Sriperumpudhur Police Station,
Sriperumpudhur, Kanchipuram District.

8.G.Vigneshwaran.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 7th respondent to register the FIR based on the petitioner's complaint dated 03.06.2023, 26.06.2023, 28.06.2023 (same issues, continue offences) against 6th and 8th respondents.

For Petitioners : Mr.A.Kanakavelappan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 7th respondent to register the FIR based on the petitioner's complaint dated 03.06.2023, 26.06.2023, 28.06.2023 (same issues, continue offences) against 6th and 8th respondents.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



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3.This petition is not maintainable, in view of the Order passed by a 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 Division Bench in the order referred supra.

4.This Criminal Original Petition is disposed of accordingly.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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To

WEB COPY

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- 5.The Deputy Superintendent of Police,
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Kanchipuram District.
- 6.The Inspector of Police,
Sriperumpudhur Police Station,
Sriperumpudhur, Kanchipuram District.
- 7.The Public Prosecutor,
Madras High Court, Chennai 600 104..



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N. ANAND VENKATESH, J.

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