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Crl.O.P.No.26648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26648 of 2022

Danielraj Peter

... Petitioner

Vs.

1. The Commissioner of police,
Office of the Commissioner of Police,
Tambaram Zone, Sholinganallur, Chennai.
2. Central Crime Branch
Poonamallee High Road,
Vepery, Chennai.
3. The State rep by its
Inspector of police
Selaiyur Police Station,
Selaiyur, Chennai.
4. M/s.Shri Parvathi Export India Pvt.Ltd.
No.105, Camp Road,
Selaiyur, Tambaram (East),



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Chennai-600 073.

... Respondents

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This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct 1st to 3rd Respondents to initiate appropriate criminal action as against the 4th Respondent immediately and Register a case against them and also help the Petitioner by recovering the huge amount of US \$ 41,900 being invested by him with the 4th Respondent.

For Petitioner : Mr.G.Yuvaraj
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 1st and 3rd respondent Police to register a case based on the petitioner's complaint dated 05.09.2022.

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

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**



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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.

This Criminal Original Petition is disposed of accordingly.

04.07.2023

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Index : Yes/No

Internet: Yes

Speaking Order/Non-speaking Order



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Selaiyur Police Station,
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4. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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