

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 199 of 2015

1. Amarnath Agrawal S/o Ram Avatar Agrawal, Aged About 46 Years R/o 04- Mahanadi
Visthar Complex, Ghantaghat, Korba, Tahsil & District Korba, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mantralaya,
Naya Raipur, P O Rakhi, Raipur, Distt. Raipur, (Chhattisgarh)
2. State Of Chhattisgarh, Through The Secretary, Department Of Public Relations,
Mantralaya, Naya Raipur, P O Rakhi, Raipur, Distt. Raipur, (Chhattisgarh)
3. Inspector General Of Police, Bilaspur Region, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
4. Collector, Korba, Distt. Korba, (Chhattisgarh)
5. Superintendent Of Police, Korba, Distt. Korba, (Chhattisgarh)
6. Station House Officer, Police Chouki- Rampur, Korba, Tahsil & District Korba,
(Chhattisgarh)

---- Respondents

For Petitioner.	: Shri Sanjay Kumar Agrawal, Advocate.
For Respondent/State.	: Shri Satish Gupta, Govt. Advocate on advance copy.

Order On Board

09/09/2015

Heard.

1. By this writ petition, the petitioner has prayed for a direction to respondents to register
FIR on the basis of written report submitted by the petitioner.

2. Learned counsel for the petitioner submits that the written report has been lodged in Police Station Rampur, Korba but the police has not registered any FIR till date. Learned counsel for the petitioner places reliance on the judgment of the Supreme Court in the case of

Lalita Kumari Vs. Government of Uttar Pradesh and Others, (2014)2 SCC1.

The Supreme Court in the case of Lalita Kumari (Supra) has held -

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

120.7. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

3. The Station House Officer Rampur Korba is directed to take appropriate action in accordance with law and the decision of the Supreme Court in the case of Lalita Kumari(supra) in the matter.

4. With the aforesaid directions, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita