

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 69 of 2015

- Shyam Sunder Lal Tekchandani S/O Shri Dr. Monohar Lal Techandani Aged About 44 years R/O 'Manuraj' Opp Park Avenue Showroom Rajendra Nagar, P.S. Civil Lines, Civil And Revenue District Bilaspur (C.G.)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Mantralaaya, Raipur District Raipur (C.G.)
2. The Superintendent Of Police Bilaspur District Bilaspur (C.G.)
3. Station House Officer, Police Station Civil Lines Bilaspur , District Bilaspur (C.G.)
4. Smt. Anuska Chandravanshi W/O Bhupesh Chandravanshi and Director Sanskriti Developers aged about 41 years,
5. Bhupendra Chandravanshi son of D. Chandravanshi, Aged About 47 Years respondent No. 4 and 5 are resident of 171 Sunder Nagar, P.S. Deendayal Upadhyay Nagar, Raipur , District Raipur (C.G.)

---- **Respondents**

For Petitioner	: Shri Sunil Pillai, Advocate
For Respondent/State	: Shri Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/03/2015

1. Learned counsel for the petitioner would submit that the petitioner has lodged a complaint against the respondents No. 4 & 5, however, the respondent No. 3 has failed to register the First Information Report (for short, 'FIR') and investigate the matter despite lapse of more than 1½ year. He would refer the law declared by the Supreme Court in the matter of **Lalita Kumari V. Government of Uttar Pradesh and others**¹.

2. In the matter of **Lalita Kumari (supra)**, the Supreme Court has held thus :

1 (2014) 2 SCC 1

“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. In the matter of **Ram Lal Narang V. State (Delhi Admn.)**² the Supreme Court has held that once the FIR is registered, the concerned Investigating Officer and the Police Station is under obligation to conclude the same without undue delay and submit a report before the competent Court as required under Section 173 of the Code of Criminal Procedure, 1973.
4. In view of the law laid down by the Supreme Court in the matter of **Lalita Kumari (supra)** and **Ram Lal Narang (supra)**, the writ petition is disposed of with a direction to the respondent No.3 to examine the complaint and if it disclosed a cognizable offence he shall register the FIR and complete the investigation without any undue delay and proceed in accordance with the provision contained in Code of Criminal Procedure, 1973.

JUDGE

Kamde