

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30083 of 2015

Mr.M.Arumugam

... Petitioner

Vs

State rep. by its
The Inspector of Police,
Town Police Station,
Arakkonam,
Vellore District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., seeking a direction to the respondent/police to register the complaint, dated 08.12.2015 in CSR No.579/2015, dated 10.12.2015 and to take appropriate action against the named person in accordance with law.

For Petitioner : Mr.N.Moorthi

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed by one Mr.M.Arumugam, seeking a direction to the respondent/police to register the complaint, dated 08.12.2015 in CSR No.579/2015, dated 10.12.2015 and to take appropriate action against the person named in the complaint, in accordance with law.

2. According to the petitioner, one Mr.Traffic Ramasamy, who claims to be the Social Worker, had scolded and described ADMK party members as rowdy elements and also made certain comments against the Party President in defaming manner. Aggrieved over the same, the petitioner lodged a complaint on 08.12.2015 before the respondent police, who in turn, had received the complaint vide CSR No.579 of 2015, dated 10.12.2015. The grievance of the petitioner is that after receipt of the complaint, the respondent police have not proceeded further and no action was taken thereof. Hence the petitioner has come forward with the

present petition.

3. As per the scheme of criminal procedure Code, under Section 154 Cr.P.C., the Station House Office is under a bounden duty to lodge a FIR whenever he receives any complaint disclosing a cognizable offence. Therefore, it is imperative on the part of the Police Officer in-charge of a police station to register a case if the information received by him discloses a cognizable offence. In the present case, the respondent police had received the information by way of complaint lodged by the petitioner and acknowledged the same vide CSR No.579 of 2015. Therefore, the respondent/police is directed to register FIR if the information given by the petitioner clearly mentions the commission of a cognizable offence. However, it is needless to say that if the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, the respondent/police is directed to conduct a preliminary inquiry to ascertain whether cognizable offence is disclosed or not and thereafter proceed in accordance with law.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Town Police Station, Arakkonam,
Vellore District.
2. The Public Prosecutor, High Court,
Madras.

+ 1 cc to Mr.N. Moorthi, Advocate Sr.68524

CRL.OP.No.30083 of 2015

KJI (CO)
EU 11.1.16