

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**WRIT PETITION No. 16956 of 2016**

**ORDER :**

Heard the learned counsel for the petitioner and the Assistant Government Pleader for Home for the State of Telangana appearing for respondents 1 to 5. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission.

2. Grievance of the petitioner is though he lodged a complaint on 20.05.2016 before respondent No.5 stating that his three buses bearing Nos. AP25V 8585, AP25V 8686 and AP25V8787 hired with TSRTC, Kamareddy Depot were taken away by respondent No.7 from the Nizamabad Bus stand on 20.05.2016, while they were in service with Driver and Conductor, the police have not registered any First Information Report (F.I.R.). It is also stated that the Depot Manager, TSRTC, Kamareddy Depot also lodged a report to this effect with respondent No.5.

3. The obligation of police to register an F.I.R. on receiving a complaint in respect of a cognizable offence is no longer *res integra*. A Constitution Bench of the Hon'ble Supreme Court in ***Lalita Kumari vs. Government of Uttar Pradesh***<sup>[1]</sup>, summarized the law in connection with the registration of crimes as under:

1. The registration of a FIR is mandatory under Section 154 Cr.P.C., if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
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 a cognizable offence is disclosed or not.
3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where the 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 the reasons in brief for closing the complaint and not proceeding further.
4. A police officer cannot avoid his duty of registering a FIR if a 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.
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.
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 a criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay
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.

8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, all information relating to cognizable offences, whether resulting in registration of a 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 therein.

In the light of the above settled legal position, it is not open to the police authorities to deviate therefrom or show any tardiness in taking appropriate necessary action after receiving a complaint alleging a cognizable offence. In the event the offence alleged is a non-cognizable one, the police authorities are bound to follow the due procedure laid down in Section 155 Cr.P.C. In any event, the police authorities must take suitable action in the matter expeditiously. Since this Court is not going into merits of the case, it may not be necessary to issue notice to respondent Nos.6 and 7. It is needless mention that in case a crime is registered for the offence punishable with imprisonment of seven years or less, the police shall follow the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar & another***<sup>[2]</sup>.

4. The Writ Petition is accordingly disposed of reiterating the aforesaid directions of the Supreme Court. Pending miscellaneous petitions in the Writ Petition

shall stand closed. No order as to costs.

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**C.PRAVEEN KUMAR, J**

**02.06.2016**

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[\[1\]](#) (2014) 2 SCC 1

[\[2\]](#) 2014 (2) ALT (Cri.) 457 (SC)