IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25945 of 2017

P. Ezhil Arasu ... Petitioner

-Vs-

1. State Rep. by
The Deputy Commissioner of Police,
Chennai.

2. State Rep. by
Inspector of Police,
P-2, Otteri Police Station (L and O),
Chennai - 600 012. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to register a case based on the petitioner's compliant dated 09.03.2016 pending on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kumar

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the respondent police to register a case on the basis of the petitioner's complaint dated 09.03.2016.

2.By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3.The grievance of the petitioner is that inspite of a complaint given by him on 09.03.2016 to the respondent, the same has been kept in abeyance without any action. It is well settled in the judgment of the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others [2013 (6) CTC 353], that registration of an FIR is mandatory under Section 154 of the Code of Criminal Procedure if an information furnished to the police officer disclose commission of a cognizable offence and in cases where the information does not disclose a cognizable offence, a preliminary enquiry has to be conducted.

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4. The 2nd respondent is not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioner has made out a case for this Court to invoke its inherent powers under Section 482 of the Criminal Procedure Code.

5.In the result, the petitioner is directed to give a copy of the complaint dated 09.03.2016 to the Station House Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station House Officer shall adhere to the following directions.

1)If the information received by the 2nd respondent discloses commission of a cognizable offence, then, the same shall be forthwith registered.

2)If an information received does not disclose a cognizable offence, the 2nd respondent shall conduct a preliminary inquiry to ascertain whether cognizable offence is disclosed therein or not and such inquiry shall be completed within a period of fifteen days from the date of information.

3) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered, if not already registered or closed.

4) If the preliminary inquiry ends in closing the complaint, the closure report must be recorded along with the reasonings and a copy of the same shall be furnished to the complainant within one week.

5)All information relating to cognizable offences whether resulting in registration of FIR or leading an inquiry must be reflected in the general diary/station diary/daily diary of the 2nd respondent's police station.

6. In the result, the Criminal Original Petition is allowed with the above directions.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dpq

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To

1. The Deputy Commissioner of Police,
   Chennai.

2. The Inspector of Police,
   P-2, Otteri Police Station (L and O),
   Chennai - 600 012.

3. The Public Prosecutor,
   High Court, Madras

+ 1 cc to M/s. G. Vinothkumar, Advocate SR.84789

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