

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

Coram

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Criminal Original Petition No.6017 of 2017

K.Amuthaa

.. Petitioner/Complainant

Versus

1.S.Krishnan
2.K.Venugopal
3.V.Savitha

... Respondents/Accused

4. The Superintendent of Police,
Cuddalore District,
Cuddalore.

5.The Deputy Superintendent of Police,
District Crime Branch (DCB),
Cuddalore.

6.The Inspector of Police,
District Crime Branch (DCB),
Cuddalore.

... Respondents

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Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the sixth respondent/The Inspector of Police, District Crime Branch (DCB), Cuddalore to register the case and to take necessary action against the respondents/accused 1 to 3 based on the petitioner's complaint dated 29.12.2016.

For Respondents 1 to 3 : No Appearance

For Respondents 4 to 6 : Mr.P.Govindarajan, APP

ORDER

This petition is filed seeking a direction to the second respondent to register the complaint dated 29.12.2016 given by the petitioner.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The grievance of the petitioner is that inspite of a complaint given by her on 29.12.2016 to the fourth respondent, seeking for register the FIR 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.

4.The respondents are 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. Hence, the sixth respondent is directed as follows:

1)If the information received by the sixth 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 sixth 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 seven 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 disclosure 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 sixth respondent's police station.

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

07.09.2017

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To

1. The Superintendent of Police,
Cuddalore District, Cuddalore.
2. The Deputy Superintendent of Police,
District Crime Branch (DCB), Cuddalore.
3. The Inspector of Police,
District Crime Branch (DCB), Cuddalore.
4. The Additional Public Prosecutor,
High Court, Madras.

Crl.O.P. No. 6017 of 2017