

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 22.09.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****CrI.O.P.No.20193 of 2017**

B.DAYAALAN

[PETITIONER]

Vs

1 THE STATE OF TAMIL NADU
REP.BY ITS COMMISSIONER OF POLICE
GREATER CHENNAI
NO.132 EVK SAMPATH ROAD VEPERY
CHENNAI-600 007.

2 THE ASST.COMMISSIONER OF POLICE
PORUR CHENNAI-600 116.

3 THE INSPECTOR OF POLICE
(LAW AND ORDER) T14 MANGADU POLICE STATION
MANGADU CHENNAI-600 122.

[RESPONDENTS]

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue an order of direction to the third respondent as to register the petitioners complaint dated 10.09.2017 on his file of T-14 Mangadu Police Station at Mangadu Chennai-600 122 of Chennai District as First Information Report in accordance with law for securing the ends of justice.

For Petitioner : Mr.D.Praveen Kumar
For Respondents : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the 3rd respondent to register the petitioner's complaint dated 10.09.2017 on the file of T-14 Mangadu Police Station at Mangadu, Chennai-600 122, Chennai District, as First Information Report, in accordance with law, for securing the ends of justice.

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 19.06.2017 to the respondents, 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 3rd respondent is directed as follows:

1) If the information received by the 3rd 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 3rd 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 3rd respondent's police station.

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

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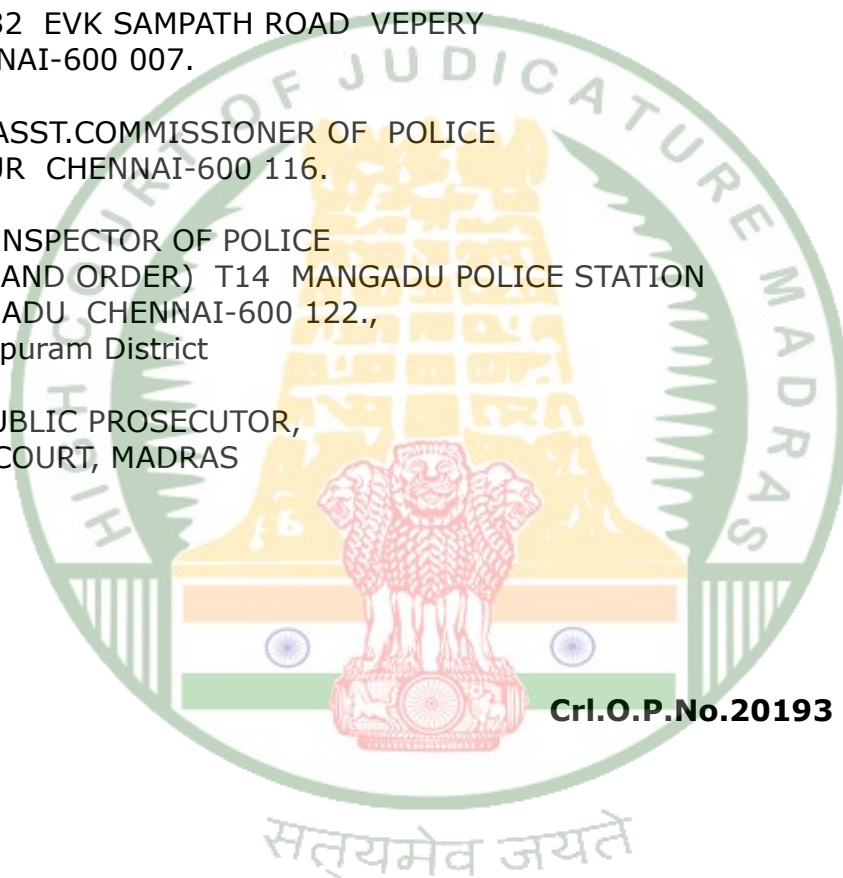
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M.S.RAMESH.J,

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To

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(LAW AND ORDER) T14 MANGADU POLICE STATION
MANGADU CHENNAI-600 122.,
Kanchipuram District
3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS



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