

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.20246 of 2017

L.Kottishwari

.. Petitioner

Vs.

State rep. by
The Inspector of Police
E-3, Minjur Police Station
Thiruvallur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to file a charge sheet in Crime No.65 of 2016 dated 24.02.2016 on the basis of the complaint given by the petitioner/defacto complainant, as early as possible.

For Petitioner : Mr.M.Jagan

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondent to register a case based on the complaint lodged by the petitioner dated 24.02.2016 and investigate the same according to law.

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 her on 24.02.2016 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.

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

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

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

RM

सत्यमेव जयते 22/09/2017

This petition having been posted on 22/09/2017 under the caption "For Being Mentioned" in pursuant to the Order of this Court dated 10/11/2017 and made herein and in the presence of the above said counsel on either side, the court made the following Order:

Today the matter is listed under the caption "for being mentioned".

2. It is noticed that the Registry had inadvertently committed certain errors in my earlier order dated 22.09.2017. I am of the view that in order to meet the ends of justice, the

earlier order dated 22.09.2017 in Crl.O.P. No.20246 of 2017 is recalled and the following order is passed.

"(i) This Criminal Original Petition has been filed seeking a direction to the respondent to file a charge sheet in Cr. No.65 of 2016 dated 24.02.2016 on the basis of the complaint given by the petitioner/defacto complainant, as early as possible.

(ii)By consent of both sides, this Criminal Original Petition is taken up for disposal.

(iii)Whenever any information in relation to commission of cognizable or non cognizable offence is received, the police officer shall adhere to the procedure contemplated under Sections 154 & 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present case is inordinate and unjustified. Hence, it would be appropriate to direct the Investigating Officer to file a final report within a stipulated time, if not already filed.

(iv)Considering the facts and circumstance of the case, this Court directs the respondent police to complete the investigation in Crime No.65 of 2016 dated 24.02.2016 pending on his file and file a final report as expeditiously as possible. This Criminal Original Petition is disposed of accordingly."

rkp/gv

10/11/2017

Sd/-
सत्यमेव जयते

Assistant Registrar (CS VIII)

//True copy//

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Sub Assistant Registrar

To

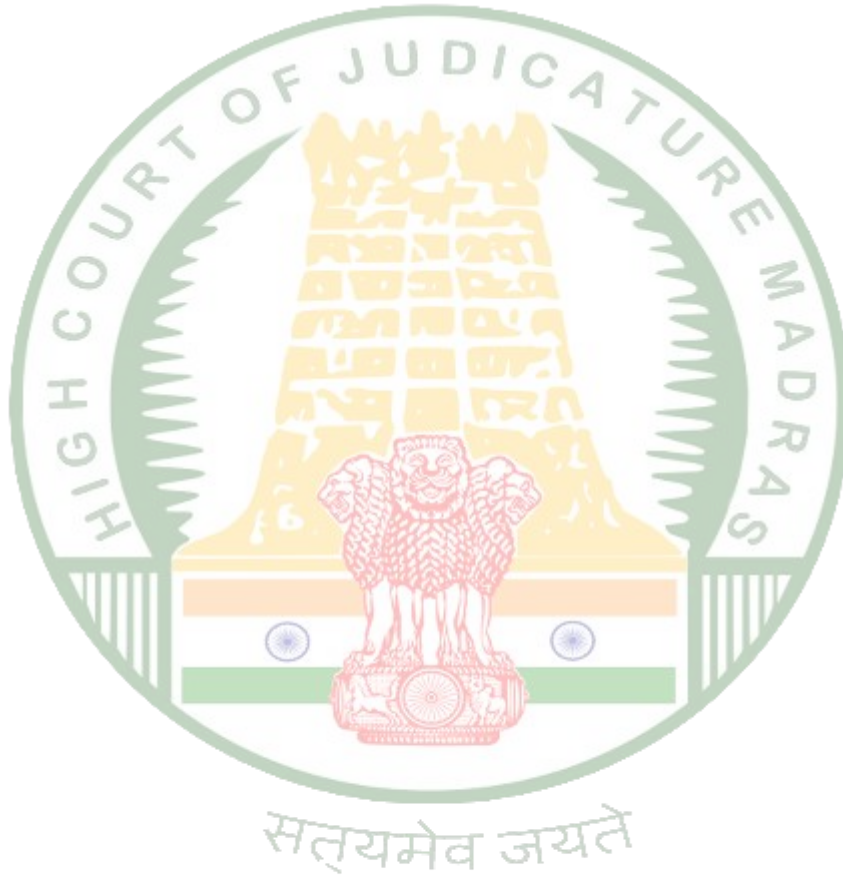
1. The Inspector of Police
E-3, Minjur Police Station
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Jagan, Advocate SR.No.80615

CrI.O.P.No.20246 of 2017

GN(05/01/2018)



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