

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.07.2017

Coram

The Hon'ble Mr. **Justice M.S.RAMESH**

Crl.O.P.No.11202 of 2015
and M.P.No.1 of 2015

1.Sunny
2.C.P.Mary

...Petitioners

Vs.

The State
Rep. by Inspector of Police,
Poonamallee Police Station,
Ambattur Taluk,
Trivellore District.

...Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent herein to forthwith register a Criminal Case on the basis of complaint made by the 1st respondent herein dated 15.04.2015 and investigate the same in accordance with law against the offenders.

For Petitioners : Mr.AR.L.Sundaresan
Senior Counsel for
M/s.AL.Ganthimathi

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

ORDER

This Criminal Original Petition has been filed to direct the

respondent herein to register the case on the petitioner complaint dated 15.4.2015.

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 him on 15.4.2015 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 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:

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

ii) *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.*

iii) *If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.*

iv) *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.*

M.S.RAMESH, J.

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v) 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. Connected Miscellaneous Petition is closed.

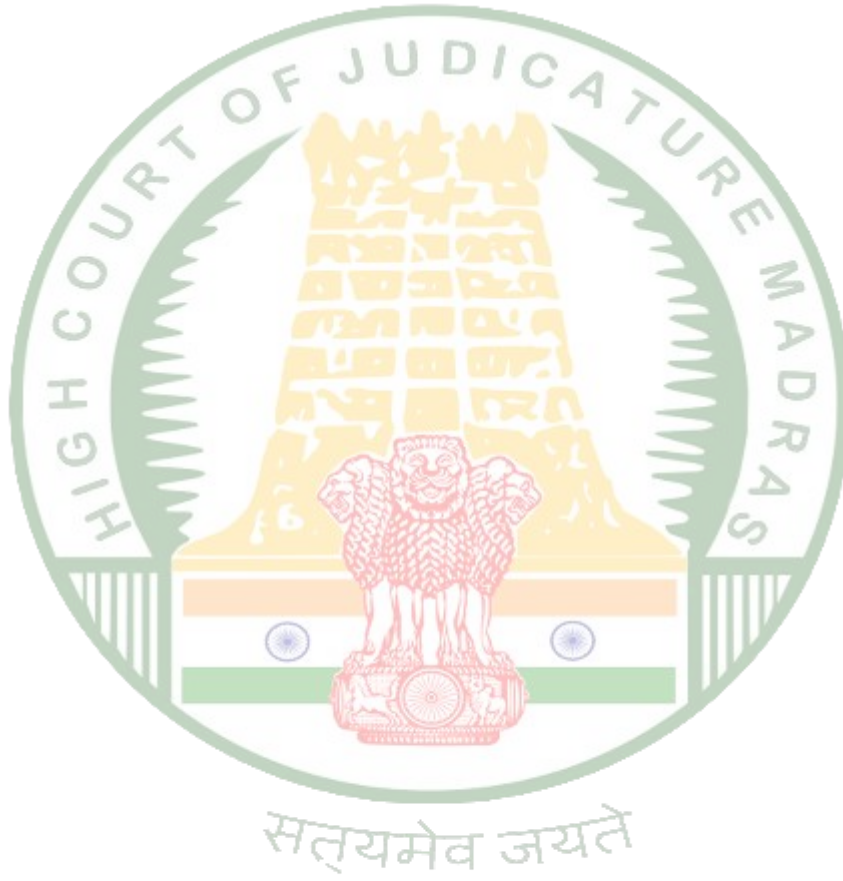
25.07.2017

Index: Yes/No
Internet: Yes/No
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To

1. The by Inspector of Police,
Poonamallee Police Station,
Ambattur Taluk,
Trivellore District.
2. The Public Prosecutor,
High Court, Madras.

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