

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.20307 of 2017

S.Jeganatha Pandian

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Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Chennai.

2. The Deputy Commissioner of Police,
Katchery Road,
Mylapore,
Chennai.

3. The Inspector of Police,
E-4, Abiramipuram Police Station,
Chennai – 600 618.

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Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to give direction to the 3rd respondent to register a case on my complaint as against the accused person on the basis of complaint dated 20.10.2016.

For Petitioner : Mr.T.Vijayaraghavan

For Respondent : Mr.P.Govindarajan

Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the 3rd respondent to register a case on my complaint as against the accused person on the basis of complaint dated 20.10.2016.

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 20.10.2016 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 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.



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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.

22.09.2017

Index:Yes/No
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To

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