

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

CrI.O.P.No.20326 of 2017

D.Paneerselvam

.. Petitioner

Vs.

State rep. by

1. The Commissioner of Police,
Chennai City,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch, Team II,
Special Team under ADCP,
Commissioner Office,
Vepery, Chennai - 600 007

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent to entertain the petitioner's complaint lodged on 20.09.2017 and to tag his complaint in Crime No.143 of 2016 pending investigation on the file of the respondent in the interest of justice.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.P.Govindarajan, APP

ORDER

This petition is filed seeking a direction to the respondents to register a case based on the complaint lodged by the petitioner dated 20.09.2017 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 in spite of a complaint given by him on 20.09.2017 to the 1st 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. 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 2nd respondent is directed as follows:

1)If the information received by the 2nd 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 2nd 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 2nd respondent's police station.

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

21.09.2017

Index : Yes/No
gya

To

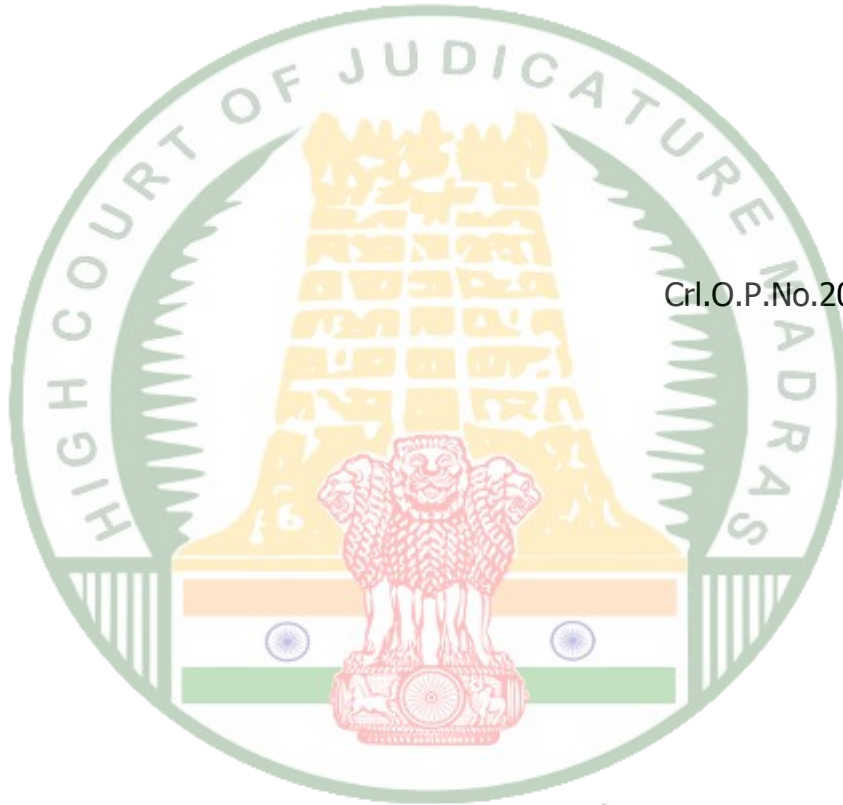
1. The Commissioner of Police,
Chennai City,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch, Team II,
Special Team under ADCP,
Commissioner Office,
Vepery, Chennai - 600 007

3. The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.

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21.09.2017

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