IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.4391 of 2017

Dr.Arun Kumar Pugalenthi ..Petitioner

Vs.

1. Mr.Mithradas
2. Ms.Sharmila
3. Leela Appukuttan
4. Inspector of Police
   Sulur Police Station,
   Coimbatore

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 4th respondent to register a case against the respondents 1 to 3 based on the directions issued by the Hon'ble Judicial Magistrate No.VII at Coimbatore in CMP No.7839 of 2016 dated 19.08.2016 u/s 156(3) of Cr.P.C.

For Petitioner : Mr.S.Suresh
For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the 4th respondent to register a case on the basis of a complaint given by the petitioner dated 19.08.2017.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the 4th respondent.

3.The grievance of the petitioner is that inspite of a complaint given by him on 19.08.2016 to the 4th 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 offences 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 4th 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 4th respondent is directed as follows:

1) If the information received by the 4th 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 4th 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.

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 4th respondent's police station.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police
Sulur Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S. Suresh, Advocate sr 53215.

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