

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.8444 of 2017

Lakshmi Rathinam

.. Petitioner

Vs.

1.State rep by its
The Inspector of Police,
W19, All Women Police Station,
Adyar, Chennai – 600 020.

2.D.Kamalakaran @ Ranjith .. Respondents
(Impleaded as per order of this
Court made in CrI.M.P.No.7545
of 2017 dated 18.07.2017)

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register a case on the complaint in CSR No.87 of 2016 dated 08.07.2016 and to investigate the same in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr. G. Krishnakumar

For Respondent 1: Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondent police to register a case on the complaint in CSR No.87 of 2016 dated 08.07.2016 and to investigate the same in accordance with law

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

3. The grievance of the petitioner is that in spite of a complaint given by her on 08.07.2016 to the first respondent, seeking for register the FIR 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 first 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 first respondent is directed as follows:

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

M.S.RAMESH.J,

nl/kkd

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

05.10.2017

Index:Yes/No

Internet:Yes/No

nl/kkd

To

1. The Inspector of Police,
W19, All Women Police Station,
Adyar, Chennai – 600 020.

2.The Public Prosecutor,
High Court, Madras.

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