

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8448 of 2017

M.Jaychitra ... Petitioner/Defacto Complainant

Vs

1. State Represented by
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
2. S.Anbarasu
(impleaded R2 as per the order dated
27.06.2017 made in Crl.M.P.No.7828/2017
in Crl.O.P.8448 of 2017) ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case on the petitioner's complaint dated 09.09.2016 and to proceed in accordance with law.

For Petitioner : Mr.R.Jayaprakash

For Respondent-1 : Mr.P.Govindarajan, APP

सतममेव जयते
ORDER

This petition is filed seeking for a direction to the respondent to register a case on the basis of a complaint given by the petitioner dated 09.09.2016.

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

3.The grievance of the petitioner is that inspite of a complaint given by him on 09.09.2016 to the first 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 police 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 police 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.

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.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

DP

To

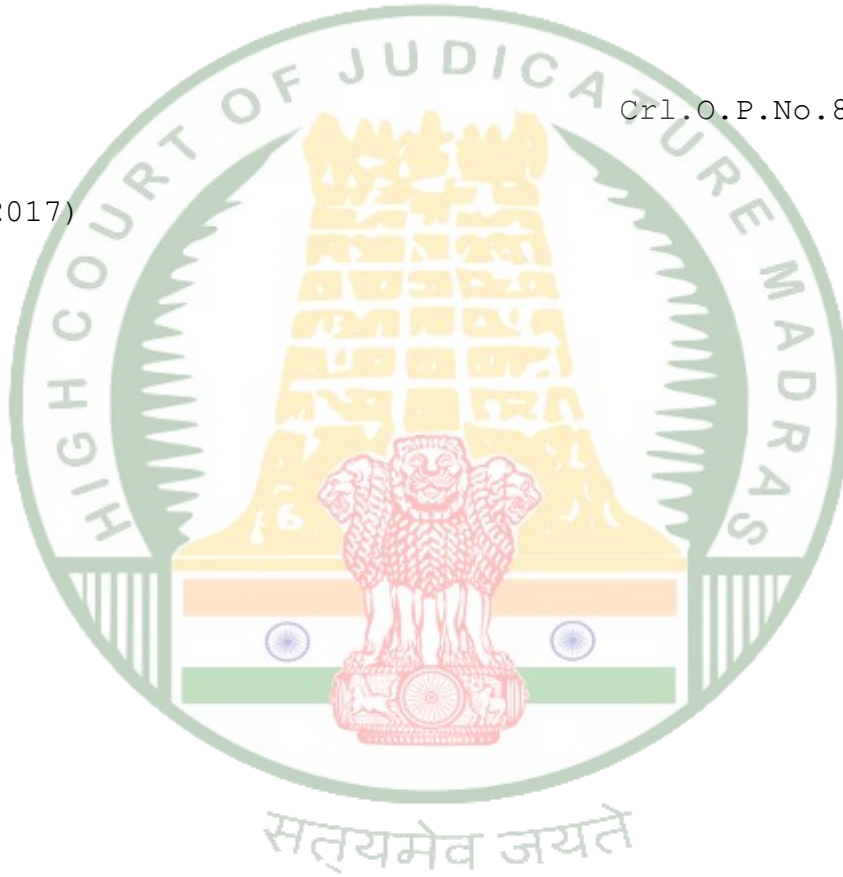
1. The Inspector of Police,
P-2, Otteri Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Jayaprakash, Advocate sr 52601.

Crl.O.P.No.8448 of 2017

PVS (CO)
sp(17/08/2017)



WEB COPY