

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.6558 of 2017

R.Baskaran .. Petitioner

Vs.

State rep. by
The Inspector of Police,
N-1, Royapuram Police Station, Crime,
Royapuram,
Chennai. .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw the investigation in Crime No.59 of 2016 on the file of the Inspector of Police, Crime, N-1, Royapuram Police Station, Chennai and transfer the same to any other Investigating Agency.

For Petitioner : Mr.G.Dhayashankar

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

ORDER

The grievance of the petitioner is that the investigation in respect of the petitioner's complaint dated 23.11.2015 is yet to be completed and hence sought for transfer of investigation. In other words, the petitioner's grievance against the respondent is that the final report has not been filed till date.

2.The learned Additional Public Prosecutor on the other hand submitted that after the complaint made to respondent, the petitioner has been negotiating with the named persons in the FIR and he has also received a part of the amount, which was due to him. However, the learned Additional Public Prosecutor submits that if a specific direction is issued to complete the investigation the same will be complied with.

3. 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.

5.In this back ground, I am of the view that the ends of justice would be met, if the respondent is directed to complete the investigation within a time frame.

6. Hence, the respondent is directed as follows:

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

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
N-1, Royapuram Police Station, Crime,
Royapuram,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.V.Kumar, Advocate SR.No.54186

Cr1.O.P.No.6558 of 2017

GN(11/08/2017)



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