

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.3756 of 2017

Dr.G. Srinivasan

.. Petitioner

Vs.

State rep by

1.The Commissioner of Police,
Vepery, Chennai 600007.

2.The Inspector of Police,
Esplanade Police Station,
Chennai-600104.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to reopen the closure report and consider his representation dated 13.1.2017.

For Petitioner : Mr. Dr.G. Srinivasan
Party-in-Person

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

ORDER

This petition is filed seeking a direction to the second respondent to reopen the closure report and consider his representation dated 13.1.2017 in CSR No.06 of 2017.

2.Heard the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The grievance of the petitioner is that inspite of a complaint given by him on 13.01.2017 to the second respondent, the same has been kept in abeyance without any action. Hence he approached the learned VII Metropolitan Magistrate, George Town for direction u/s 156(3) Cr.P.C.to the second respondent police. The learned VII Metropolitan Magistrate, George Town forwarded the complaint to the second respondent on 7.2.2017 for investigation and report. But the second respondent without holding any enquiry on him, closed his complaint. 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 the present case, the allegation of the petitioner is that the 2nd respondent without holding any enquiry on the petitioner and the opposite fake person, lodged the closure report. In view the same, this Court directs the second respondent to hold fresh enquiry and decide the representation of the petitioner dated 13.1.2017, as per the dictum laid down by the Honourable Supreme Court in the above case, which are as follows:

i) If the information received by the second respondent discloses commission of a cognizable offence, then, the same shall be forthwith registered.

ii) 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.

iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.

iv) 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.

v) 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.

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

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Vepery, Chennai 600007,

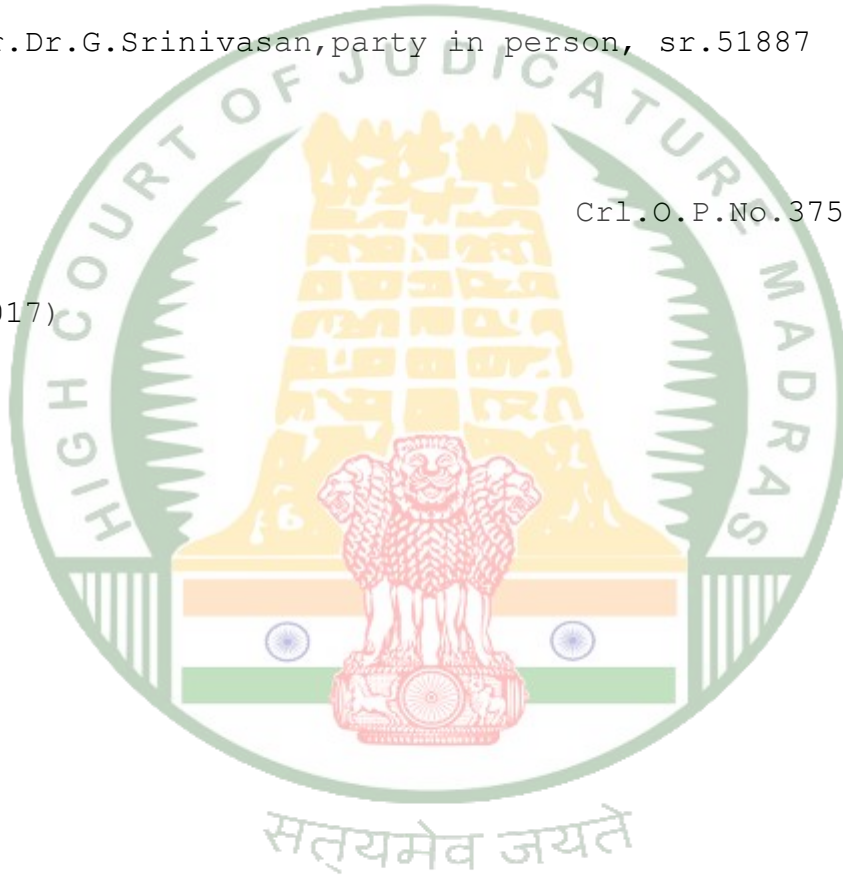
2.The Inspector of Police,
Esplanade Police Station,
Chennai-600104

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Dr.G.Srinivasan,party in person, sr.51887

Cr1.O.P.No.3756 of 2017

rsk(co)
ss(11/8/2017)



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