

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

Crl.O.P.No.20749 of 2017

Anand Rajadurai

..Petitioner

vs.

1.The Senior Superintendent of Police,
Law and Order,
O/o The Senior Superintendent of Police,
Pondicherry.

2.The Superintendent of Police (East)
Pondicherry.

3.The Inspector of Police,
Orelanpet Police Station,
Orelanpet,
Pondicherry

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Code of Criminal Procedure seeking to direct the third respondent police to investigate upon complaint made by the Petitioner on 10.09.2017 and the complaint forwarded by the Hon'ble Lt Governor on 12.09.2017 to the third respondent police and register the FIR and pass necessary orders.

For Petitioner : Mr.B. Balavijayan

For Respondents : Mr.M.R.Thangavel
Additional Public Prosecutor (P)

ORDER

This petition is filed seeking a direction to the third respondent police to investigate upon complaint made by the Petitioner on 10.09.2017 and the complaint forwarded by the Hon'ble Lt Governor on 12.09.2017 to the third respondent police and to register the FIR.

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

3. The grievance of the petitioner is that in spite of a complaint given by him on 10.09.2017 to the third 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 third 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 third respondent is directed as follows:

1) If the information received by the third 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 third 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.

M.S.RAMESH, J.

nl/rm

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.

03.10.2017

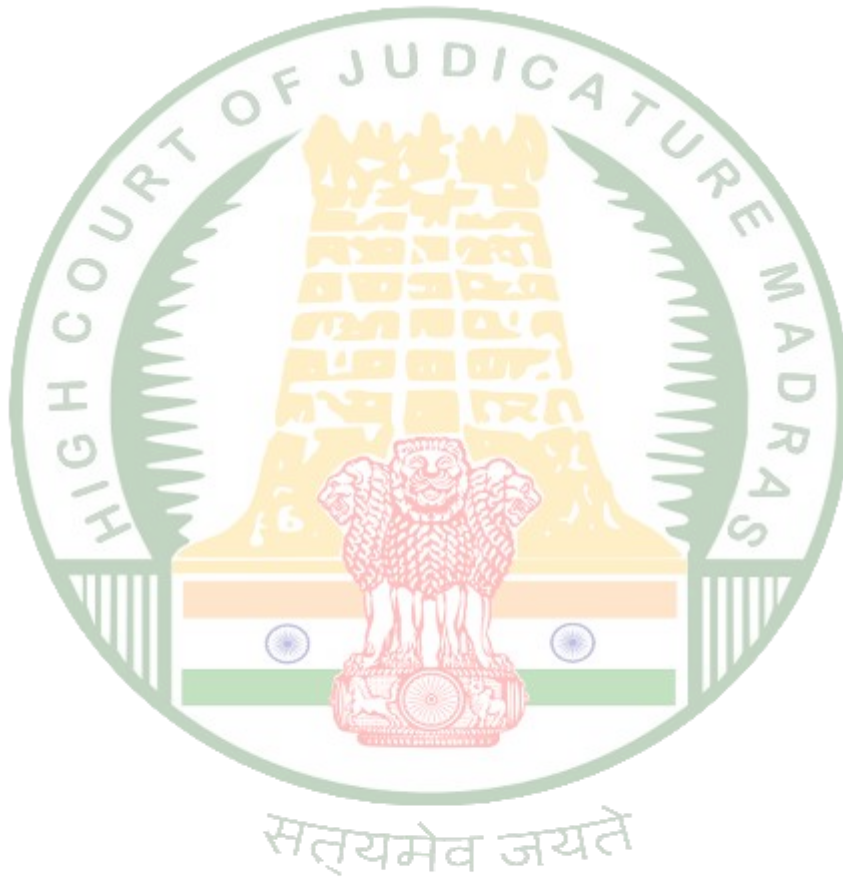
Index:Yes/No
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 nl/rm
 To

1.The Senior Superintendent of Police,
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 O/o The Senior Superintendent of Police,
 Pondicherry.

2.The Superintendent of Police (East)
 Pondicherry.

3.The Inspector of Police,
 Orelanpet Police Station,
 Orelanpet,
 Pondicherry

4.The Public Prosecutor,
 High court, Madras.



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