IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.20830 of 2017

D. Nakomi Inbakumari .. Petitioner

Vs.

State rep. by Inspector of Police,
K1, Sembiam Police Station,
Sembiam, Chennai - 600 011. .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register an FIR on the complaint given by the petitioner on 30.10.2016, investigate the same and file final report.

For Petitioner : Mr. R.Sankarappan

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

ORDER

This petition is filed seeking a direction to the respondent to register the complaint dated 30.10.2016 made by the petitioner to the respondent.

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 30.10.2016 to the 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.

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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. Hence, the respondent is directed as follows:

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

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

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
K1, Sembiam Police Station,
Sembiam, Chennai - 600 011.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. R.Sankarappan, Advocate Sr.No.72062.

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KP(27.10.2017)

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