

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

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

CrI.O.P.No.21192 of 2017

S.Kannan

...Petitioner

Vs.

1. The State Rep by
The Inspector of Police (L & O),
R-6, Kumaran Nagar Police Station,
Chennai – 600 083.
 2. The Assistant Commissioner of Police,
Saidapet, Chennai-600 015.
 3. The Deputy Commissioner of Police,
Adayar, Chennai – 600 020.
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to register the case based on the complaint dated 12.09.2017 and investigate the case and file a FIR in accordance with law.

For Petitioner : Mr.G.Rangan
For Respondents : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the first respondent to register a case based on the complaint lodged by the petitioner dated 12.09.2017 and investigate the same according to law.

2. By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3. The grievance of the petitioner is that inspite of a complaint given by him on 12.09.2017 to the respondents, 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 first 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 first respondent 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 fifteen 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 first respondent's police station.

M.S.RAMESH.J,

rts

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

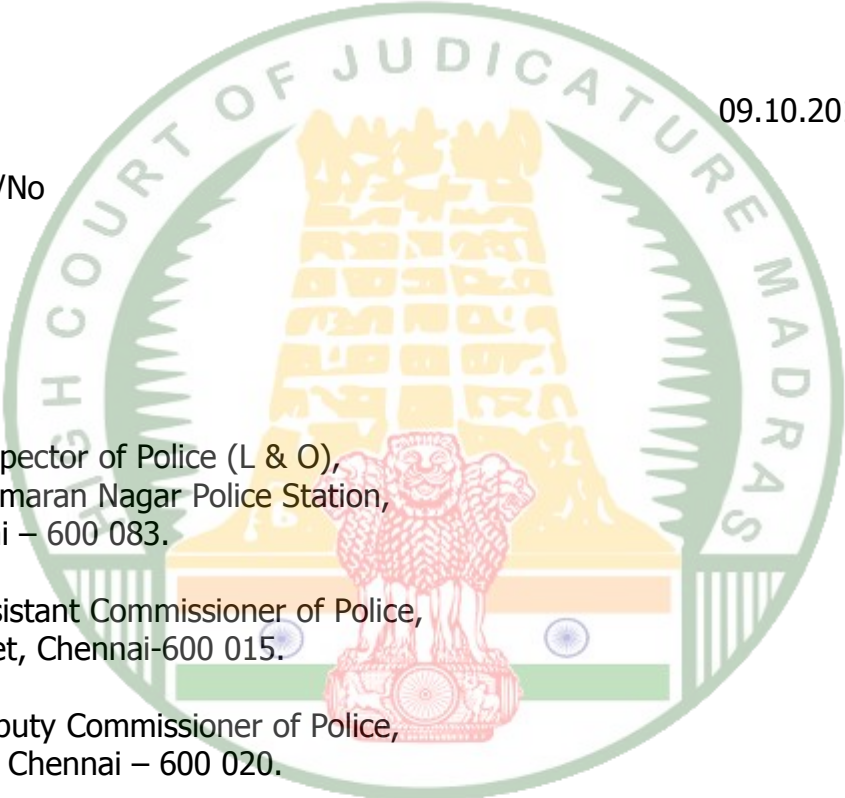
09.10.2017

Index:Yes/No

rts

To

1. The Inspector of Police (L & O),
R-6, Kumaran Nagar Police Station,
Chennai – 600 083.
2. The Assistant Commissioner of Police,
Saidapet, Chennai-600 015.
3. The Deputy Commissioner of Police,
Adayar, Chennai – 600 020.
4. The Public Prosecutor,
High Court, Madras.



सत्यमेव जयते

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