

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.21260 of 2017

M. Balaiya

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Petitioner

Vs.

1. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

2. The Deputy Superintendent of Police,
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

3. The Inspector of Police,
Peranamallur Police Station,
Peranamallur,
Thiruvannamalai District.

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Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the third respondent police to register the petitioner complaint dated on 27.02.2017 at the earliest point of time as may be fixed by this Court.

For Petitioner : Mr.N. Elumalai

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

ORDER

This petition is filed seeking a direction to the third respondent police to register the petitioner's complaint dated on 27.02.2017.

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

3.The grievance of the petitioner is that inspite of a complaint given by him on 27.02.2017 to the third respondent, with copy marked to the first and second respondent, seeking for registering 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 respondents are 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 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 third respondent's police station.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
2. The Deputy Superintendent of Police,
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.
3. The Inspector of Police,
Peranamallur Police Station,
Peranamallur,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N. Elumalai, Advocate, S.R.No.72086

सत्यमेव जयते

Cr1.O.P.No.21260 of 2017

MN(CO)
CS/25/10/17

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