

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21304 of 2017

R. Duraisamy .. Petitioner
Vs.

State rep. by

1.The Inspector of Police,
Arachalur Police Station,
Erode District.

2.Sub Inspector of Police,
Vellode Police Station,
Erode District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to register the complaint on the basis of the complaint given by the petitioner to the second respondent dated 19.08.2017 and investigate the matter in accordance with law.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

This petition is filed seeking a direction to the second respondent to register the complaint on the basis of the complaint dated 19.08.2017 and to investigate the matter, in accordance with law.

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 19.08.2017 to the respondents, 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 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.

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

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Inspector of Police,
Arachalur Police Station,
Erode District.

2. The Sub Inspector of Police,
Vellode Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. C.S.Saravanan Advocate SR.NO.69610

CrI.O.P.No.21304 of 2017

VC (28/10/2017)



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