

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.21555 of 2017

M/s.KSA Powerinfra Pvt.Ltd.,
Represented by its Managing Director,
V.Kachapeshwaran,
Khivraj complex - I, First Floor,
No.480, Anna Salai, Nandanam,
Chennai 35.

.. Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 7.
- 2.The Inspector of Police (Crime),
J-1, Saidapet Police Station,
Saidapet, Chennai-15.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent Police to register the FIR against the said Meenakshinathan, Flat No.4, L-109, First Floor, XIX Street, Anna Nagar East, Chennai 102, having Cell No.9841590404, brought one K.B.Sankar, residing at Old No.8, New No.17/3C, F-6, Second Floor, Malaviya Avenue, Thiruvannamiyur, Chennai 600 041, having Cell No.9841047765, based on the complaint dated 08.08.2016 lodged by the petitioner's Company and registered as Receipt C.No.3618/CCB/Visitors/2016 Dt.10.08.2016 and take the investigation and proceed according to law against the said Meenakshinathan and K.B.Sankar, for having committed the offence of cheating, fraud and Criminal Breach of Trust, punishable under the I.P.C. conduct investigation.

For Petitioner : Mr.S.Natanarajan

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

ORDER

This petition is filed seeking a direction to the second respondent to register a case based on the complaint lodged by the petitioner dated 08.08.2016.

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 08.08.2016 to the 1st respondent, 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 1st 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 second respondent is directed as follows:

1) If the information received by the second 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 second 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.

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 2nd
respondent's police station.

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

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 7.

2.The Inspector of Police (Crime),
J-1, Saidapet Police Station,
Saidapet, Chennai-15.

3.The Addl.Public Prosecutor,
High Court, Madras.

+ 1 cc to MR.S.Natana Rajan, Advocate Sr.No.72815

Crl.O.P.No.21555 of 2017



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