

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21595 of 2017

D.Sathya

...Petitioner

Vs

1.The Superintendent of Police
Dharampuri District
Dharmapuri

2.The Inspector of Police
Pennagaram Police Stastion
Pennagaram Dharmapuri District ...Respondents

Prayer:Criminal Original Petition filed under Section 482 CRPC
praying to direct the 2nd respondent to register a case based on
the complaint lodged by the petitioner dated 04.07.2017.

For Petitioner: Mr.M.Selvam

For Respondents:Mr.P.Govindarajan

Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the 2nd
respondent to register a case based on the complaint lodged by
the petitioner dated 04.07.2017.

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 04.07.2017 to the 2nd 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 2nd 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 2nd respondent is directed as follows:

1) If the information received by the 2nd 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 2nd 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.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
District Crime Branch, Kancheepuram.

2.The Inspector of Police,
Anti Land Grabbing Cell,
Kancheepuram.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Selvam Advocate sr 72932

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