

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21600 of 2017

S.M.Mohankumar

.. Petitioner

Vs.

1.The Inspector of Police,
Cyber Cell,
CCB, Greater Chennai,
Vepery, Chennai 600 007.

2.The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai 600 007.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to register the complaint under Sections 23, 499, 503, 505(1)(b) of I.P.C. r/w Section 66 of the Information Technology Act, 2000 and other relevant provisions under the law dated 20.09.2017 given to the 2nd respondent pending on the file of the 1st respondent.

For Petitioner

:

Mr.Kingsly Solomon

For Respondents

:

Mr.P.Govindarajan

Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the 1st respondent to register a case based on the complaint lodged by the petitioner dated 20.09.2017.

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 20.09.2017 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 1st respondent is directed as follows:

1) If the information received by the 1st 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 1st 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 1st respondent's police station.

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

Kkd

/sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

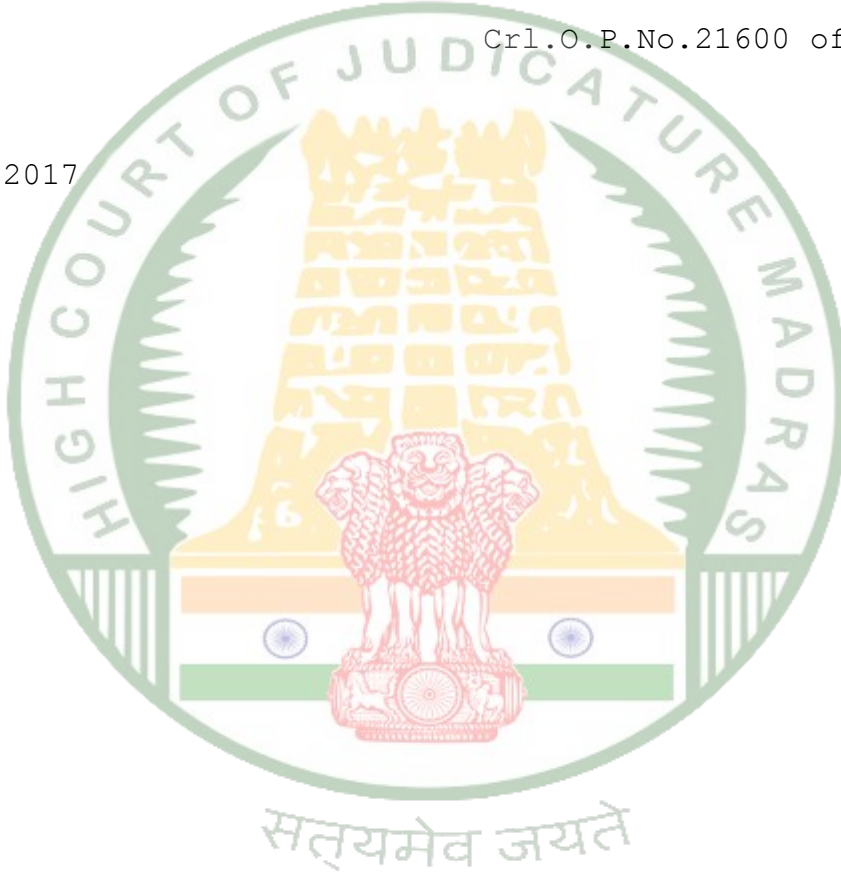
To

- 1.The Inspector of Police,
Cyber Cell,
CCB, Greater Chennai,
Vepery, Chennai 600 007.
- 2.The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai 600 007.

+1 +1 CC to Mr. Kinsly Salaman , Advocate Sr.No. 72987

Crl.O.P.No.21600 of 2017

SV(CO)
MD: 27/10/2017



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