

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21770 of 2017

M.S.Yakobudeen

..Petitioner/Defacto
Complainant

Vs.

1. The State Rep by
The Sub Inspector of Police,
Central crime Branch,
EDF-1, Team -1
Vepery, Chennai- 600 007. ... 1st Respodent
2. Siva Subramanian ... Accused/ 2nd Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the concern police station/ Sub Inspector of Police, Central Crime Branch, Office of the Commissioner of Police, Vepery to register the FIR on the basis of the complaint given on 27.08.2016 and 11.01.2017 and set aside the order passed on 01.11.2016 and 11.05.2017 to conduct the investigation and submit the final report.

For Petitioner : Mr.U.Syed Thaga

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

ORDER

This petition is filed seeking a direction to the concern police station/ Sub Inspector of Police, Central Crime Branch, Office of the Commissioner of Police, Vepery to register the FIR on the basis of the complaint given on 27.08.2016 and 11.01.2017 and set aside the order passed on 01.11.2016 and 11.05.2017 to conduct the investigation and submit the final report.

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 27.08.2016 and 11.01.2017 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 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 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 1st respondent's police station.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Inspector of Police,
Central crime Branch,
EDF-1, Team -1
Vepery, Chennai- 600 007.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.U.Syed Thagu Advocate sr 73642

Crl.O.P.No.21770of 2017

sr(co)
aa01/11/2017

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