

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.22314 of 2017
and WMP.No.23405 of 2017

Mrs.M.Tamil Selvi

.. Petitioner

Vs.

1. The Commissioner of Police,
E.V.K.Sampath Road,
Chennai.
2. Inspector of Police,
M-3,Puzhal Police Station,
G.N.T.Road, Chennai.
3. Mr.Durairaj,
Bharathiyar Street (Uma Nagar)
Kolathur,
Chennai-600 099.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents 1 and 2 to register the FIR with regard to the complaint given by the petitioner against the 3rd respondent in CSR.No.414 of 2017 dated 04.07.2017 and consequently forbear the 3rd respondent from causing any threat or danger to the petitioner while using the Bharathiyar Street (Uma Nagar).

For Petitioner : M/s.G.Vijay Anand Asso.

For RR1 and 2 : Mr.D.Vairamoorthy
Special Government Pleader

ORDER

This petition is filed seeking for a direction to the 1st and 2nd respondents to register the FIR based on the complaint lodged by the petitioner against the 3rd respondent in C.S.R.No.414 of 2017 dated 04.07.2017.

2.By consent of both sides, this Writ Petition is taken up for final disposal.

3.The grievance of the petitioner is that inspite of a complaint given by her 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 Writ Petition is allowed with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
E.V.K.Sampath Road,
Chennai.
2. Inspector of Police,
M-3,Puzhal Police Station,
G.N.T.Road, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to MR.G.Vijay Anand Association, SR.No.61734

+1cc to Government Pleader SR.No.61601

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VGII(CO)
GN(21/09/2017)



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