

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.22584 of 2017

G.Devarajan

.. Petitioner

Vs.

1. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.
2. The Principal Secretary/Commissioner,
Arignar Anna Government
Hospital of Indian Medicine,
Poonamallee High Road,
Arumbakkam, Chennai - 106.
3. The Superintendent of Anna Hospital
Arignar Anna Government
Hospital of Indian Medicine,
Poonamallee High Road,
Arumbakkam, Chennai - 106.
4. The Commissioner
Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai - 600 007.
5. The Inspector of Police
CCC (Cyber Crime)
Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai- 600 007.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 5th respondent to register the case against Actor Kamal Hasan who is utilizing the social network for spreading false rumors and also opinions against the Government and therefore he has to be booked under Cyber Crime Rules and also under the National Security Act and it appears that since he is a big actor of Tamil Nadu and also preparing himself to be a politician of our state, the Government and police are hesitant/fearing to initiate action against him. Therefore, the respondents 1 to 3 should get proper opinion in this matter and the Commissioner of Police and the Inspector of Police, Cyber Crime may be directed to take suitable action in this matter and to deal according to

For Petitioner : Mr.G.Devarajan
(Party-in-Person)

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

O R D E R

This petition is filed seeking a direction to the fifth respondent police to register a case on the basis of the petitioner's complaint dated 19.10.2017.

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 19.10.2017 to the 4th 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 4th 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.

5.In the result, the petitioner is directed to give a copy of the complaint dated 19.10.2017 to the Station Housing Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station House Officer shall adhere to the following directions.

1). If the information received by the 5th 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 5th 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 5th respondent's police station.

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

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ak/aav
To

1. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.
2. The Principal Secretary/Commissioner,
Arignar Anna Government Hospital of Indian Medicine,
Poonamallee High Road,
Arumbakkam, Chennai - 106.
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Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai- 600 007.
6. The Public Prosecutor,
High Court, Madras.

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CS-V
EU(15/11/2017)