

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.24807 of 2017

R.Sathish Babu

.. Petitioner

Vs.

1.The Inspector of Police
Anti Land Grabbing Special Cell,
Thiruvallur District,
Thiruvallur.

2.P.Pazhani

3.P.Lakshmiammal

4.P.Rathikala

5.P.Raghu

6.P.Ravi

7.S.Raabiyathul

8.S.Beema

9.V.Santhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing 1st respondent to hold enquiry with 2nd to 9th respondents on the issue of fraud and cheating and consequently direct 1st respondent to take suitable action on 2nd to 9th respondents in reference to Section 420 of IPC based on representation dated 28.12.2016.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.S.Babu
Government Advocate (for R1)

No appearance (for RR2 to 9)

ORDER

This petition is filed seeking a direction to the 1st respondent to hold enquiry with 2nd to 9th respondents on the issue of fraud and cheating and consequently direct the 1st respondent to take suitable action on 2nd to 9th respondents in reference to Section 420 of IPC based on representation dated 28.12.2016.

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 him on 28.12.2016 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.

5.In the result, the petitioner is directed to give a copy of the complaint dated 28.12.2016 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 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.

6. In the result, the Writ Petition is allowed with the above directions. No costs.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

rm

To

The Inspector of Police
Anti Land Grabbing Special Cell,
Thiruvallur District,
Thiruvallur.

+ 1 cc to Mr. I. Arockia Selvaraj, Advocate sr.no.73439

+1 cc to Government Advocate sr.no.73725

सत्यमेव जयते

Writ Petition No.24807 of 2017

MG [CO]
RR 16/11/2017

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