

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.23870 of 2017

Mrs.Jayalakshmi ... Petitioner
Vs.

State, represented by
the Inspector of Police, (L&O)
J-6 Thiruvanniyur Police Station,
Thiruvanniyur, Chennai-41 ... Respondent

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to direct the respondent to register a case
based on the complaint lodged by the petitioner dated
12.08.2017 .

For Petitioner : Mr.P.G.Santhoshkumar
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the
respondent police to register a case based on the complaint
lodged by the petitioner dated 12.08.2017 .

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 her on 12.08.2017 to the 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 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 12.08.2017 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 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 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 respondent's police station.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Gv

To

1. The Inspector of Police, (L&O)
J-6 Thiruvanniyur Police Station,
Thiruvanniyur, Chennai-41.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. P.G. Santhosh Kumar, Advocate Sr.79399

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CP (CO)

EU (14/11/2017)