

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24698 of 2017

G.Devarajan

... Petitioner

Vs.

1.The Principal Secretary  
Tourism, Culture and Religious Endowments Department  
Secretariat, Chennai - 9.

2.The Commissioner,  
Hindu Religious Charitable Endowments Department,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 34.

3.The Commissioner(Communal Wing)  
Commissioner of Police,  
EVK Sampath Salai,  
Vepery, Chennai - 600 007.

4.The Inspector of Police (L&O)  
E 3, Teynampet Police Station,  
Chennai - 600 006.

5.The Inspector of Police (L&O)  
F4 Thousand lights Police Station,  
Chennai - 600 006.

6.The Inspector of Police(L&O)  
K9, Police Station,

Chennai - 600 011.

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 3<sup>rd</sup> respondent or any equal officer to conduct investigation and to register the case, against Hindu Religion and generally against Hindus in a manner to create fear and proclaiming false statement against Hindus by branding them terrorist this Actor Kamal Haasan is only instigating violence. In the same way action is to be taken against the editor of Ananda Vikadan who is tacitly encouraging his activities by giving him space for publishing this kind of articles against secularism and it is necessary that action is taken against him also as a collaborator. At the same time, the opinion of 1 to 2 respondents should be obtained to prevent this kind of speech in public and spreading of false comments against secularism be put an end to and action taken under appropriate provisions of law and investigate the matter, pertaining to the complaint dated 04.11.2017 and to deal according to law.

For Petitioner : Mr.G.Devarajan

For Respondent : Mr.C.Iyyappa Raj  
Additional Public Prosecutor

**ORDER**

This petition is filed seeking a direction to the third respondent police to register a case on the basis of the petitioner's complaint dated 04.11.2017.

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 04.11.2017 to the respondents 3 to 6, 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 respondents 3 to 6 are 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 04.11.2017 to the Station House 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 investigating officer 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 investigating officer 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 closure 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 concerned police station.*

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

24.11.2017

Index:Yes/No  
Internet: Yes/No

dh/dpq

To

1.The Principal Secretary  
Tourism, Culture and Religious Endowments Department  
Secretariat, Chennai - 9.

2.The Commissioner,  
Hindu Religious Charitable Endowments Department,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 34.

3.The Commissioner(Communal Wing)  
Commissioner of Police,  
EVK Sampath Salai,  
Vepery, Chennai - 600 007.

**M.S.RAMESH.J.,**

dh/dpq

4.The Inspector of Police (L&O)  
E 3, Teynampet Police Station,  
Chennai - 600 006.

5.The Inspector of Police (L&O)  
F4 Thousand lights Police Station,  
Chennai - 600 006.

6.The Inspector of Police(L&O)  
K9, Police Station,  
Chennai - 600 011.

7.The Public Prosecutor,  
High Court, Madras.

**Crl.O.P.No.24698 of 2017**

सत्यमेव जयते

**WEB COPY**

**24.11.2017**