

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.26150 of 2017

M.C.R.Vedhavalli

.. Petitioner

Vs.

1. The Superintendent of Police,
O/o.the Superintendent of Police,
Kancheepuram.

2. The Inspector of Police,
Mahabalipuram Police Station,
Mahabalipuram,
Kancheepuram District.

3. The Tahsildar,
Thirukazhukundram Taluk,
Thirukazhukundram,
Kancheepuram District.

4. B. Mahender,
Rep. By his Power of Attorney
agent P.Ravi

5. N.Nandagopal

6. U. Murugan

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent to register F.I.R in the petitioner complaint dated 15.12.2016 and 24.04.2017 and to transfer the investigation to the file of the Central Bureau of Investigation.

For Petitioner : Mr.V.Govardhanan

For Respondents : Mr.S.Babu

Government Advocate, for R1-R3.

ORDER

This petition is filed seeking a direction to the 2nd respondent to register F.I.R in the petitioner complaint dated 15.12.2016 and 24.04.2017 and to transfer the investigation to the file of the Central Bureau of Investigation.

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 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 Article 226 of Constitution of India. 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. No costs.

Sd/-
Assistant Registrar (CS III)

/TRUE COPY/

Sub Assistant Registrar

rkp

To

1. The Superintendent of Police,
O/o.the Superintendent of Police,
Kancheepuram.
2. The Inspectof of Police,
Mahabalipuram Police Station,
Mahabalipuram,
Kancheepuram District.
3. The Tahsildar,
Thirukazhukundram Taluk,
Thirukazhukundram,
Kancheepuram District.

+1 C.C. to M/S. Government Pleader SR.NO. 72886

+1 C.C. to M/S.V.Govardhanan Advocate SR.NO. 72744

W.P.No.26150 of 2017

SSI (CO)
T.R (27/10/2017)

सत्यमेव जयते

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