

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25072 of 2017

Dr. R. Elangovan ... Petitioner
Vs.

- 1.The State of Tamil Nadu, represented by
The Inspector of Police,
J-7, Velachery Police Station,
42, Velachery Main Road, Chennai - 600 042.
- 2.The Commissioner of Police,
Greater Chennai, No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.
- 3.The Deputy Commissioner of Police,
L.B. Road, Adyar, Chennai - 600 020.
- 4.The Assistant Commissioner of Police, Guindy,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai - 600 032. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent herein to register the First Information Report on the basis of the complaint, dated 06.10.2017 given by the petitioner herein to the Inspector of Police, J-7, Velachery Police Station, Chennai - 600 042 and investigate the entire matter according to law.

For Petitioner : Mr.G.Sugadev Rajaguru

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

ORDER

This petition is filed seeking a direction to the first respondent herein to register the FIR on the basis

of the complaint, dated 06.10.2017 given by the petitioner and investigate the entire matter according to law.

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 06.10.2017 to the respondents, 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 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 06.10.2017 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 first 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 first 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 first respondent's police station.

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

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
J-7, Velachery Police Station,
42, Velachery Main Road, Chennai - 600 042.
2. The Commissioner of Police,
Greater Chennai, No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.
3. The Deputy Commissioner of Police,
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4. The Assistant Commissioner of Police, Guindy,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai - 600 032.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Sugadev Rajaguru, Advocate, S.R.No.82074

Cr1.O.P.No.25072 of 2017

RRK (29/11/2017)