

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.17367 of 2017

G. Balakrishnan

.. Petitioner

Vs.

1.The Registrar of Co-op Societies,
Office of the Registrar of Co-op Societies,
Kilpauk,
Chennai - 600 010.

2.The Director of Vigilance and Anti corruption,
No.293, MKN Road,
Alandur,
Chennai - 600 016.

3.The Deputy Superintendent of Police,
Vigilance and Anti corruption,
Swarnapuri,
Salem - 636 005.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India seeking a direction to issue a writ of mandamus to direct the respondents 2 and 3 to register the FIR forthwith on the basis of the enquiry report (Form V - V.R.06/2016/2017) submitted by the second respondent and to take immediate investigation in accordance with law and file final report within a stipulated period of time.

For Petitioner : Mr.G. Punniakoti

For Respondents : Mr.S. Babu,
Government Advocate

ORDER

This petition is filed seeking a direction to the respondents 2 and 3 to register the FIR forthwith, on the basis of the enquiry report submitted by the second respondent and to file final report.
within a stipulated period of time.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3.The grievance of the petitioner is that inspite of a complaint given by him on 07.04.2017 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 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 Station House 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 Station House 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 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 Station House Officer's police station.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

- 1.The Registrar of Co-op Societies,
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Chennai - 600 010.
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- 3.The Deputy Superintendent of Police,
Vigilance and Anti corruption,
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Salem - 636 005.

+lcc to Mr.G. Punniakoti, Advocate in sr.no.72990
+lcc to Government Pleader in sr.no.72862

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NR 07/11/2017

सत्यमेव जयते

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