

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.26193 of 2017

1. N.Nagalakshmi
2. N.Anantha Krishnan ... Petitioners

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Door No.132, E.V.K.Sampath Road,
Vepery, Chennai- 600 007..
2. The Assistant Commissioner of Police,
Vyasarpadi Police Station
of Police buildings,
Vysarpadi, Chennai- 600 039.
3. The Inspector of Police,
P6-Kodungaiyur Police Station,
Kodungaiyur, Chennai- 600 118. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 3 to register the petitioner's complaint dated 20.11.2017 and conduct and enquiry and file an FIR under Sec.156(3) Cr.P.C and thereby enable us to enter our house situated at No.182, 7th block, K.K.D Nagar, Kodungaiyur, Chennai- 600 118.

For Petitioner : Mr.M.N.S.Mohamed Habeeb Raja
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondents 1 to 3 to register the petitioner's complaint dated 20.11.2017 and conduct and enquiry and file an FIR under Sec.156(3) Cr.P.C and thereby enable us to enter our house situated at No.182, 7th block, K.K.D Nagar, Kodungaiyur, Chennai- 600 118.

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 20.11.2017 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 3rd 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 20.11.2017 to the Station Housing Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station Housing Officer shall adhere to the following directions.

1) If the information received by the 3rd 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 3rd 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 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 3rd respondent's police station.

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

Sd/-

Assistant Registrar(CS)

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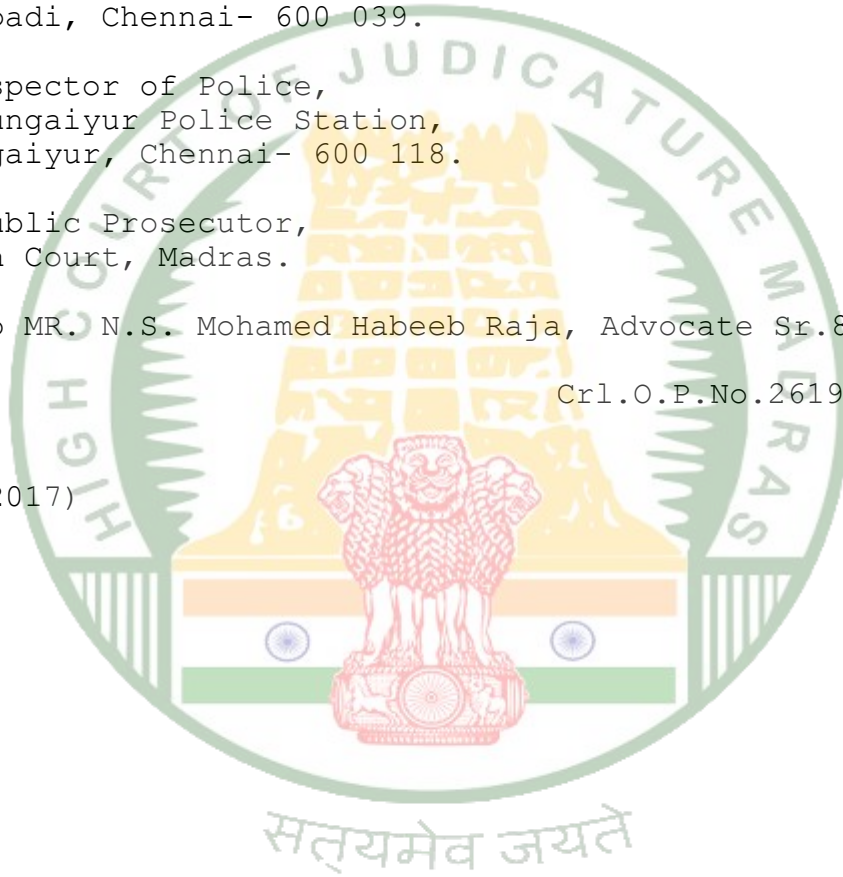
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To

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 2. The Assistant Commissioner of Police,
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 3. The Inspector of Police,
P6-Kodungaiyur Police Station,
Kodungaiyur, Chennai- 600 118.
 4. The Public Prosecutor,
High Court, Madras.
- + 2 ccs to MR. N.S. Mohamed Habeeb Raja, Advocate Sr.85059

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(CS) -V
EU(20/12/2017)



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