

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27063 of 2017

R. Varadaraj

Vs.

... Petitioner

1. The Commissioner of Police,
Vepery,
Chennai.

2. The Deputy Commissioner of Police, (T.Nagar)
R1, Mambalam Police Station
Near T.Nagar bus Terminus,
Chennai 17.

3. The Inspector of Police,
Law and Order,
R2, Kodambakkam Police Station,
Ashok Nagar Police Station Campus
Ashok Nagar,
Chennai.

4. The Inspector of Police (Crime)
R2, Kodambakkam Police Station,
Ashok Nagar Police Station Campus
Ashok Nagar,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents to register the petitioner's complaint dated 27.11.2017 for the attempt of theft at his house by making roof hole

against those persons who are staying at the first floor and against Mr.K.Vaidyanathan and Mr.Akilan who is instigating such thefts and against his men and agents who had encroached the premises by forming huts and involve in anti-social acts for the offences of unlawful assembly, criminal trespass and criminal intimidation and for fraud and forgery committed by registering a forged sale deed against Mr.K.Vaidyanathan and seven persons based on the documentary evidence possessed by the third respondent, the Inspector of Police CCB, Team 5.

For Petitioner : Mr.A.Periyamuthu

For Respondents : Mr.C. Iyyapparaj
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondents police to register a case on the basis of the petitioner's complaint dated 27.11.2017.

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 27.11.2017 to the 4th 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 4th 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 27.11.2017 to the Station Housing Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station House Officer shall adhere to the following directions.

1) If the information received by the 4th 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 4th respondent shall conduct a preliminary inquiry to ascertain whether cognizable offence

is disclosed therein or not and such inquiry shall be completed within a week 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 4th respondent's police station.

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

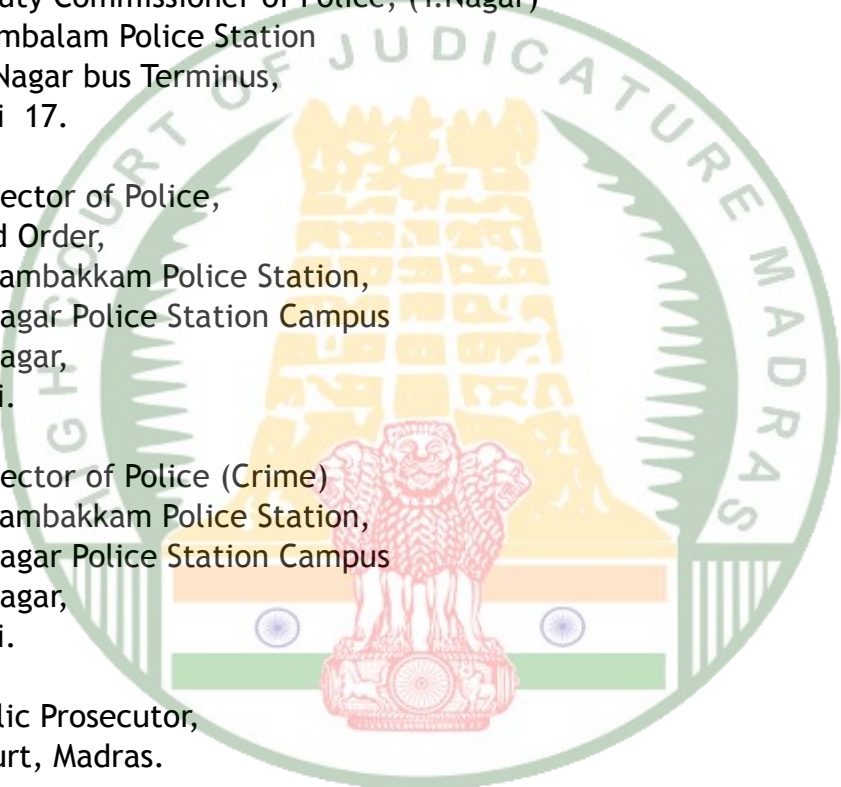
08.12.2017

Index: Yes/No
Internet: Yes/No
gv

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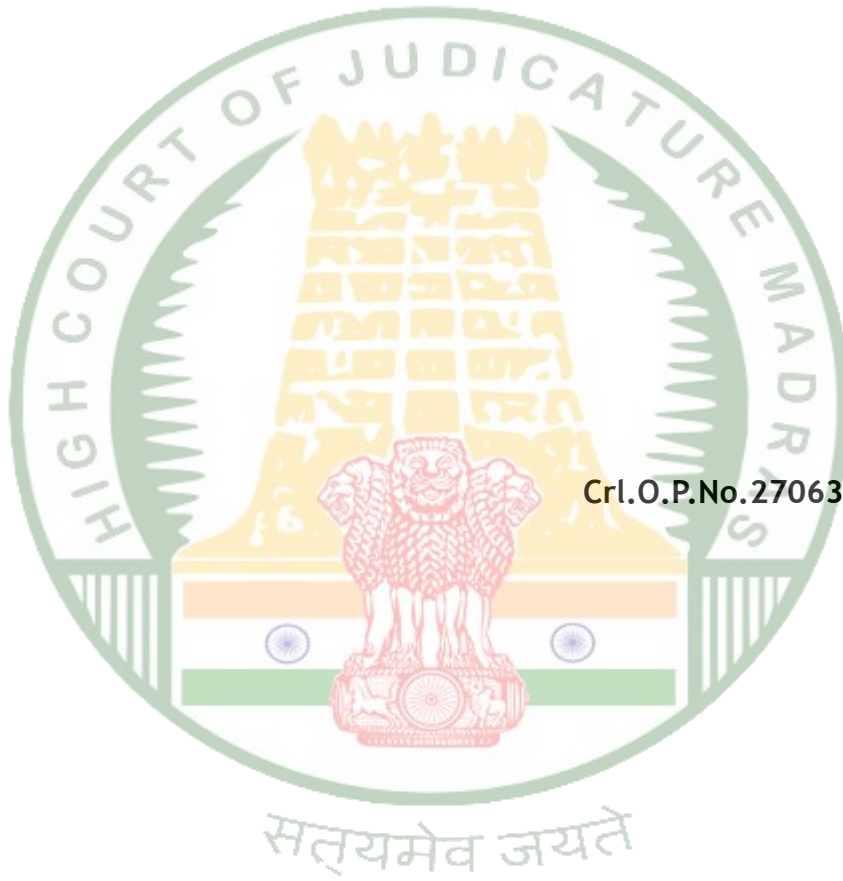
To

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4. The Inspector of Police (Crime)
R2, Kodambakkam Police Station,
Ashok Nagar Police Station Campus
Ashok Nagar,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circular border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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M.S.RAMESH.J.,
gv



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