

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE **M.S.RAMESH**

Crl.O.P.No.28037 of 2017

Sambalal Jain

...Petitioner

Vs.

The Inspector of Police,
Elephant Gate Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to register a case against the accused persons in respect of the complaint dated 27.10.2017.

For Petitioner : Mr.S.Prabudoss

For Respondents : Mr.V.Arul
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to the respondent to register a case on the basis of a complaint given by the petitioner dated 27.10.2017.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.The grievance of the petitioner is that inspite of a complaint given by him on 27.10.2017 to the 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 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. Hence, the respondent is directed as follows:

1)If the information received by the 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 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.

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 respondent's police station.

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

18.12.2017

Index:Yes/No
smn
To

1.The Inspector of Police,
Elephant Gate Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

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M.S.RAMESH.J,

smn



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