

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos. 3657 & 3658 of 2018

Shanmugaraja ... Petitioner in Crl O.P.No. 3657 of 2018

Amalraj ... Petitioner in Crl O.P.No. 3658 of 2018

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
132, Commissioner Office Building,
EVK Sampath Salai,
Chennai.
2. The Inspector of Police,
T-14, Mangadu Police Station,
Chennai. ... Respondents in both Crl O.Ps

COMMON PRAYER: Criminal Original Petitions filed under
Section 482 Cr.P.C. praying to direct the 2nd respondent to
register the petitioner's complaint dated 24.01.2018.

For Petitioner in both
Crl.O.Ps. : Mr.J.Milton Arul Rajendran

For Respondents in
both Crl.O.Ps. : Mr.C.Raghavan
Government Advocate
(Crl. Side)

COMMON ORDER

These petitions are filed seeking a direction to the 2nd
respondent to register the petitioners' complaint dated
24.01.2018.

2. By consent of both sides, these Criminal Original
Petitions are taken up for final disposal.

3. The grievance of the petitioners is that inspite of a
complaint given by them on 24.01.2018 to the 2nd 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 2nd respondent is not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioners have 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 petitioners are directed to give a copy of the complaint dated 14.09.2017 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 2nd 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 2nd 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 respondent's police station.

6. In the result, the Criminal Original Petitions are allowed with the above directions.

Sd/-
Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

mm/vsg

To

1. The Commissioner of Police,
Greater Chennai Police,
132, Commissioner Office Building,
EVK Sampath Salai,
Chennai.
2. The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.MILTON ARULRAJENDRAN, Advocate, S.R.No. 10185
+1cc to Mr.J.MILTON ARULRAJENDRAN, Advocate, S.R.No. 10186
(07/06/2018)

Crl.O.P.Nos. 3657 & 3658 of 2018

TR(21/02/2018)

सत्यमेव जयते

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