

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.7037of 2018

Radha Krishanan Thondaiman

...Petitioner

Versus

1.The State rep.by

The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

2.The State rep.by

The Inspector of Police,
Thiruvotriyur Police Station,
Thiruvotriyur,
Chennai District.

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent to register the petitioner's complaint on the basis of the complaint given by the petitioner dated 21.02.2018 and consequently to direct the first respondent to supervise the investigation.

For Petitioner : Mr.D.Arun

For Respondents : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

O R D E R

The prayer sought for in the present petition is to direct the second respondent to register the petitioner's complaint on the basis of the complaint given by the petitioner dated 21.02.2018 and consequently to direct the first respondent to supervise the investigation.

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 13.11.2018 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.

5. Since, the allegations made in the complaint are against the Police Officer. Hence, the Assistant Commissioner of Police, Thiruvotriyur, Chennai is directed to look into the complaint preferred by the petitioner and if the same discloses commission of cognizable offence, direct the 2nd respondent to register the same, who shall adhere to the following conditions.

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 2nd respondent's police station.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

klt

To

- 1.The State rep.by
The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
- 2.The State rep.by
The Inspector of Police,
Thiruvotriyur Police Station,
Thiruvotriyur,
Chennai District.
- 3.The Assistant Commissioner of Police,
Thiruvotriyur,
Chennai District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Arun, Advocate, S.R.No.20305

CRL.O.P.No.7037of 2018

pvs (CO)
GSP(04/04/2018)

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