

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6076 of 2018

G.Ramesh

... Petitioner

Versus

1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2.The Inspector of Police,
D.4. R.K.Pet Police Station,
Thiruvallur District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent herein viz., the Inspector of Police, D4. R.K.Pet Police Station, Thiruvallur District to register a case against the said Ashok Chakravarthy, Sub Inspector of police, attached to the respondent police station on his complaint dated 19.02.2018 and take prompt and appropriate Departmental action against the said erring police officer Thiru Ashok Chakravarthy and constables forthwith.

For Petitioner : Mr.M.Duraimurugan

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

ORDER

This petition is filed seeking a direction to the second respondent to register the complaint of the petitioner dated 19.02.2018.

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 19.02.2018 to the second 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 second 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 petitioner has made an allegation against the Sub Inspector of Police, Tiruvallur District, It would be appropriate to direct the Superior Officer to conduct an enquiry of the petitioner's complaint. Hence, the second respondent is directed to forward the complaint to the Deputy Superintendent of Police, Tiruvallur District shall adhere to the following directions.

1) If the information received by the Deputy Superintendent of Police, Tiruvallur District 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 Deputy Superintendent of Police, Tiruvallur District 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 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 Deputy Superintendent of Police, Tiruvallur District / police station.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

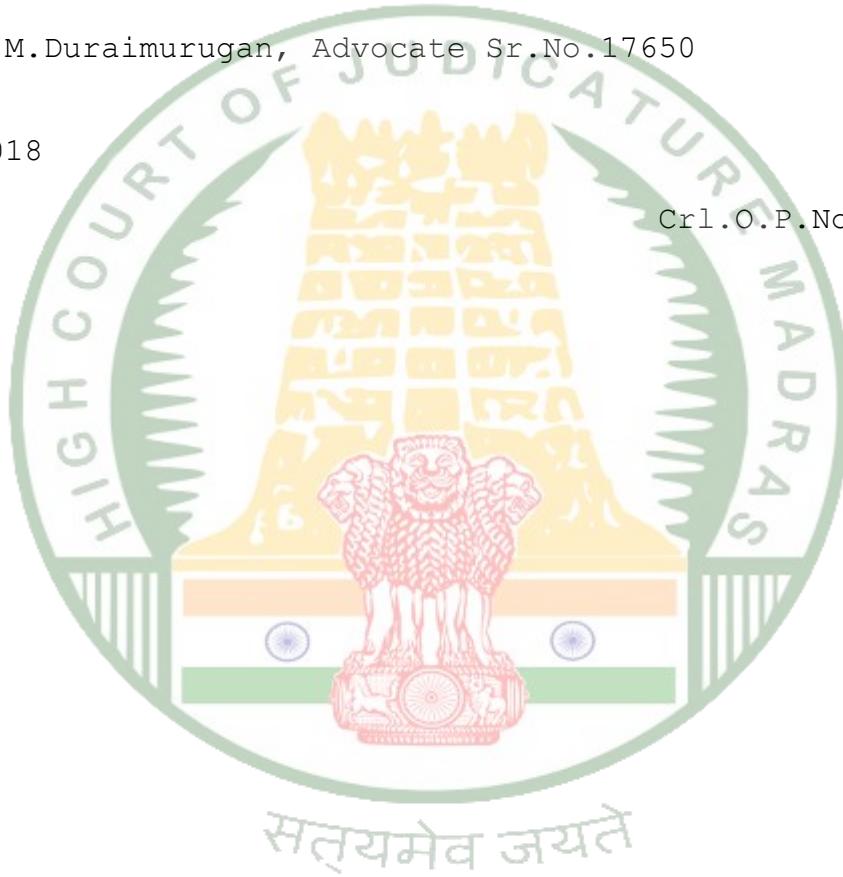
2.The Inspector of Police,
D.4. R.K.Pet Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

+cc to Mr.M.Duraimurugan, Advocate Sr.No.17650

GP(CO)
sm:21.3.2018

Crl.O.P.No.6076 of
2018



WEB COPY