

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.7198 of 2018

B.Suman

... Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mahalingapuram,
Pollachi,
Coimbatore District.

2.The State represented by
The Inspector of Police,
Taluk Police Station,
Pollachi,
Coimbatore District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to register the complaint against the proposed accused person Balasubramaniam on the basis of the complaint given by the petitioner to the respondents dated 16.11.2017 who in turn the first respondent forwarded the same to the second respondent and investigate the matter in accordance with law.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

This petition is filed seeking a direction to the second respondent to register the complaint against the proposed accused person Balasubramaniam on the basis of the complaint given by the petitioner to the respondents dated 16.11.2017 and investigate the matter in accordance with law.

2. Heard Mr.M.N.Balakrishnan, learned counsel for the petitioner as well as Mrs.P.Kritika Kamal, Government Advocate

(Crl. side) appearing for the respondents.

3. The grievance of the petitioner is that inspite of a complaint given by him on 16.11.2017 to the first 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 respondents are 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 are against the Inspector of Police, the petitioner is directed to give a copy of the complaint dated 15.11.2017 to the first respondent and on receipt of the said copy of the complaint, the first respondent shall adhere to the following directions.

1) If the information received by the first 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 first 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 first respondent's police station.

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

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mahalingapuram,
Pollachi,
Coimbatore District.

2.The Inspector of Police,
Taluk Police Station,
Pollachi,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.N.Balakrishnan Advocate SR.NO.20299

Cr1.O.P.No.7198 of 2018

RRI (28/03/2018)

सत्यमेव जयते

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