

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.9285 of 2018

P.Shanthi

... Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the 2nd respondent to register the FIR based and
complaint dated 08.01.2018.

For Petitioner : M/s.V.Kalaiarasan

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This petition is filed seeking a direction to the 2nd
respondent police to register a case on the basis of the
petitioner's complaint dated 08.01.2018 .

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
complaints given by her on 08.01.2018 to the respondents, 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. In the result, the petitioner is directed to give a copy of the complaint dated 08.01.2018 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 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.

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

Sd/-
ASST. REGISTRAR

/TRUE COPY/

सत्यमेव जयते

SUB ASST. REGISTRAR

ub/klt

To

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai.

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3. The Public Prosecutor,
High Court, Chennai

+1 cc to the Mr.V.Kalaiarasan, Advocate SR.NO. 22701

Cr1.O.P.No.9285 of 2018

NM(CO)
JK 10/04/18



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