IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.7273 of 2018

M.Shakul Hameedh ... Petitioner

Versus

The Inspector of Police,
S-10,Pallikaranai Police Station,
Chennai-600 100. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register the FIR based on the petitioner complainant dated on 26.08.2017 from the file of the respondent for further investigation.

For Petitioner : Mr.J.Abdul Hadi

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. side)

ORDER

This petition is filed seeking a direction to the respondent police to register a case on the basis of the petitioner's complaint dated 26.08.2017.

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 26.08.2017 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

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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 26.08.2017 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 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 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 police station.

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

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

klt

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To

1.The Inspector of Police,
S-10,Pallikaranai Police Station,
Chennai-600 100.

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2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Soundar vijay Arul Ram, Advocate sr.no.18620

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