

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.9399 of 2018

Vijay Raman

... Petitioner

Versus

1.The Commissioner of Police,
Police Commissionerate Office,
Chennai

2.The Deputy Commissioner of Police,
St.Thomas Mount, Chennai.

3.The Assistant Commissioner of Police,
***S-5, Pallavaram Police Station,**
Chennai.

4.The Inspector of Police,
***S-5, Pallavaram Police Station,**
Chennai.

5.K.Chandra

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the 4th respondent Police to register the
complaint dated 19.02.2018.

For Petitioner :Mr.R.Kalyan Kishen Singh

For Respondents :Mr.C.Raghavan

Government Advocate (Crl. Side)

ORDER

This petition is filed seeking a direction to the 4th
respondent police to register a case on the basis of the
petitioner's complaint 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
complaints given by him on 19.02.2018 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 19.02.2018 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 4th 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 4th 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/-
Assistant Registrar(CS VII)
Dated:10/04/2018

*Amended as per order
in CrI OP No.8088/2018 in
CrI O.P.No.9399 of 2018
dated 29/6/2018 for R3 & R4

Sd/-
Assistant Registrar(CS VII)
Dated:16/07/2018

//True Copy//

Sub Assistant Registrar

ub/klt
To

- 1.The Commissioner of Police,
Police Commissionerate Office,
Chennai. To be substituted
the order already
Despatched
on 26/04/2018
- 2.The Deputy Commissioner of Police,
St.Thomas Mount, Chennai.
- 3.The Assistant Commissioner of Police,
***S-5, Pallavaram Police Station,**
Chennai.
- 4.The Inspector of Police,
***S-5, Pallavaram Police Station,**
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.V.S.Senthilkumar, Advocate SR.42063

CrI.O.P.No.9399 of 2018

gj[col]
srg 16/07/2018