

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH  
Crl.O.P.No.9451 of 2018

V.Senthilkumar

... Petitioner

Versus

1.The State rep by  
The Commissioner of Police,  
Vepery  
Chennai.

2.The Inspector of Police,  
Central Crime Branch,  
Team II (Forgery Wing),  
Vepery, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.  
praying to direct the respondent Police to register a case  
based on the complaint made by the petitioner dated 04.10.2017  
according to law.

For Petitioner : Mr.S.Sivakumar

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

ORDER

This petition is filed seeking a direction to the  
respondents police to register a case on the basis of the  
petitioner's complaint dated 04.10.2017.

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  
complaints given by him on 04.10.2017 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 04.10.2017 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 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/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ub/klt

To

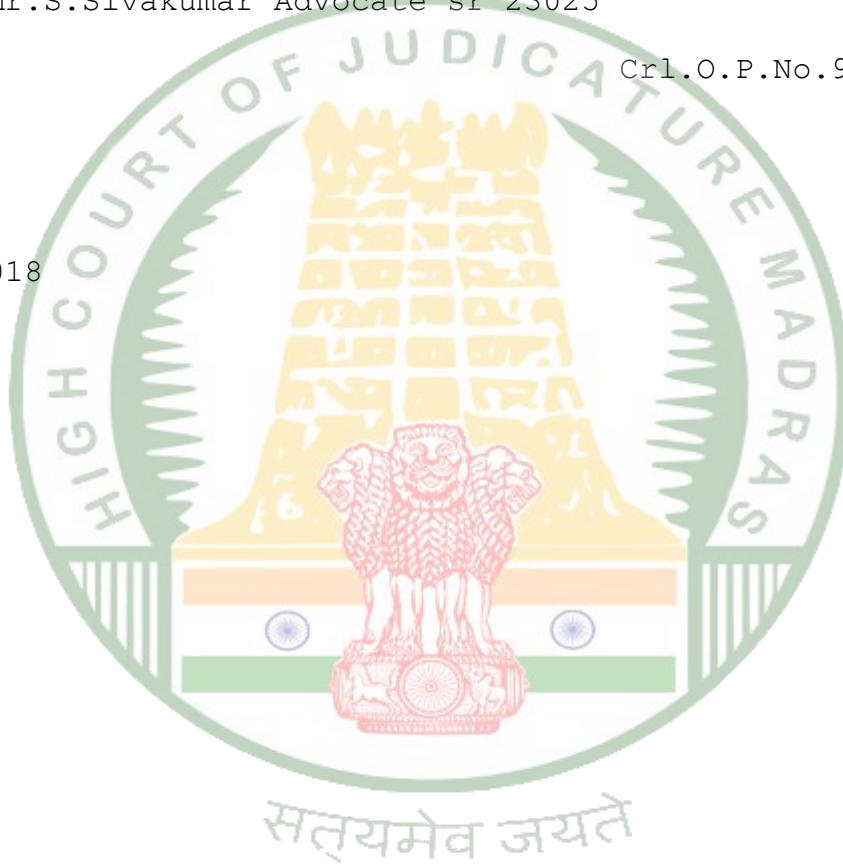
1.The Commissioner of Police,  
Vepery  
Chennai.

2.The Inspector of Police,  
Central Crime Branch,  
Team II (Forgery Wing),  
Vepery, Chennai.

+1 cc to Mr.S.Sivakumar Advocate sr 23025

Crl.O.P.No.9451 of 2018

mr(co)  
aa10/04/2018



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