



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6491 of 2018

G.Murali

... Petitioner

Vs.

The State,
Rep.by the Inspector of Police,
Tiruttani Police Station,
Tiruttani, Thiruvallur District.
(Crime No.35 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482
praying to direct the respondent police to register the
complaint dated 23.03.2017.

For Petitioner : Mr.P.Ganesh Ram

For Respondent : Mrs.P. Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition is filed for seeking a direction to the
respondent police to register the complaint dated
23.03.2017.

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 23.03.2017 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



WEB COPY

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 Court to invoke its inherent powers under Section 482 of the Criminal Procedure Code.

5. The learned Government Advocate (Crl.Side) On instructions submitted that in connection with the same, a complaint has already been registered by the Inspector of Police, District Crime Branch, Thiruvallur in Crime No.35 of 2016 and the same is said to be pending. Hence, there shall be a direction to the Superintendent of Police, District Crime Branch, Thiruvallur to take up the said complaint and adhere to the following directions.

1) If the information received by the Superintendent of Police, District Crime Branch, Thiruvallur 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 Superintendent of Police, District Crime Branch, Thiruvallur 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.



WEB COPY

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 Superintendent of Police, District Crime Branch, Thiruvallur.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vv

To

1. The Inspector of Police,
Tiruttani Police Station,
Tiruttani, Thiruvallur District.
2. The Superintendent of Police,
District Crime Branch,
Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Ganesh Ram, Advocate Sr.No.18277

+1 CC to Government Pleader, High Court, Chennai Sr.No.16485

Cr1.O.P.No.6491 of 2018

KP(23/03/2018)