

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 5530 of 2018

Malathi

... Petitioner

Vs.

1. The Commissioner of Police,
Commissioner Office,
E.V.K. Sampath Road,
Vepery, Chennai 600 007.
 2. The Assistant Commissioner of Police,
Assistant Commissioner Office,
Avadi.
 3. State By,
The Inspector of Police,
T6-Avadi Police Station,
Chennai District,
CSR No.195 of 2018
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 3rd respondent police to register the FIR based on the complaint given by the petitioner dated 05.02.2018 regarding the theft of Rs.6.25 Lakhs and 17 Sovereigns of Gold Jewels, committed by one Mr.Moses and pending in CSR No.195 of 2018 pending on the file of the Inspector of Police, T6-Avadi Police Station, Chennai District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.C.Raghavan

Government Advocate (Crl. Side)

ORDER

This petition is filed seeking a direction to the 3rd respondent police to register the FIR based on the complaint given by the petitioner dated 05.02.2018 regarding the theft of Rs.6.25 Lakhs and 17 Sovereigns of Gold Jewels, committed by one Mr.Moses and pending in CSR No.195 of 2018 pending on the file of the Inspector of Police, T6-Avadi Police Station, Chennai District.

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 her on 05.02.2018 to the 1st 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 1st 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. In the result, the petitioner is directed to give a copy of the complaint dated 05.02.2018 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 3rd 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 3rd 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 closure 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 3rd
respondent's police station.

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

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

stm
To

1. The Commissioner of Police,
Commissioner Office,
E.V.K. Sampath Road,
Vepery, Chennai 600 007.
 2. The Assistant Commissioner of Police,
Assistant Commissioner Office,
Avadi.
 3. The Inspector of Police,
T6-Avadi Police Station,
Chennai District,
CSR No.195 of 2018
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.S.Silambu Selvan, advocate sr 14673.

सत्यमेव जयते

Cr1.O.P.No. 5530 of 2018

SP(09/03/2018)

WEB COPY