

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.4815 of 2018

K.Meena

... Petitioner

Vs.

The State rep. by its
Inspector of Police
***Erode Taluk Police Station**
Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482
praying to direct the respondent to register the case on the
petitioner's complaint dated, 26.07.2017 and to investigate
the same in accordance with law.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.C.Raghavan
Government Advocate (CrI.Side)

ORDER

This petition is filed seeking a direction to the
respondent to register the case on the petitioner's complaint
dated, 26.07.2017 and to investigate the same.

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 26.07.2017 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 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 26.07.2017 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 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 respondent's police station.

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

Sd/
Assistant Registrar
01.03.18

Corrected as per order of this court dated 19/03/2018 and made in CrI.Mp.NO.4384 of 2018 in CrI.Op.No.4815/2018

Sd\ -
Assistant Registrar (CS III)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police
***Erode Taluk Police Station**
Erode District.

To be Substituted to the
the order already
Despatched on 16/03/2018

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Guruprasad, Advocate SR.No.***20638**

CrI.O.P.No.4815 of 2018

SDR 05.03.2018
nr 21/03/2018

सत्यमेव जयते

WEB COPY