

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No. 6804 of 2018

Jayachithra

.. Petitioner

Vs

1. The Superintendent of Police,
Kancheepuram District.

The State, rep. by

2. The Inspector of Police
Mamallapuram Police Station,
Kancheepuram District

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd respondent to register the case on the basis of the petitioner's complaint dated 19.02.2018 and to investigate the same.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mrs.P.Kritika Kamal

Government Advocate (Crl.Side)

O R D E R

This petition is filed seeking a direction to the 2nd respondent 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 complaint given by him on 19.02.2018 to the 2nd 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 2nd 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, since the averments in the complaint implicates the police officials, there shall be a direction to the Deputy Superintendent of Police, Kancheepuram District to take up the complaint and adhere the following directions.

1) If the information received by the Deputy Superintendent of Police, Kancheepuram 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 Deputy Superintendent of Police, Kancheepuram 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 Deputy Superintendent of Police, Kancheepuram police station.

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

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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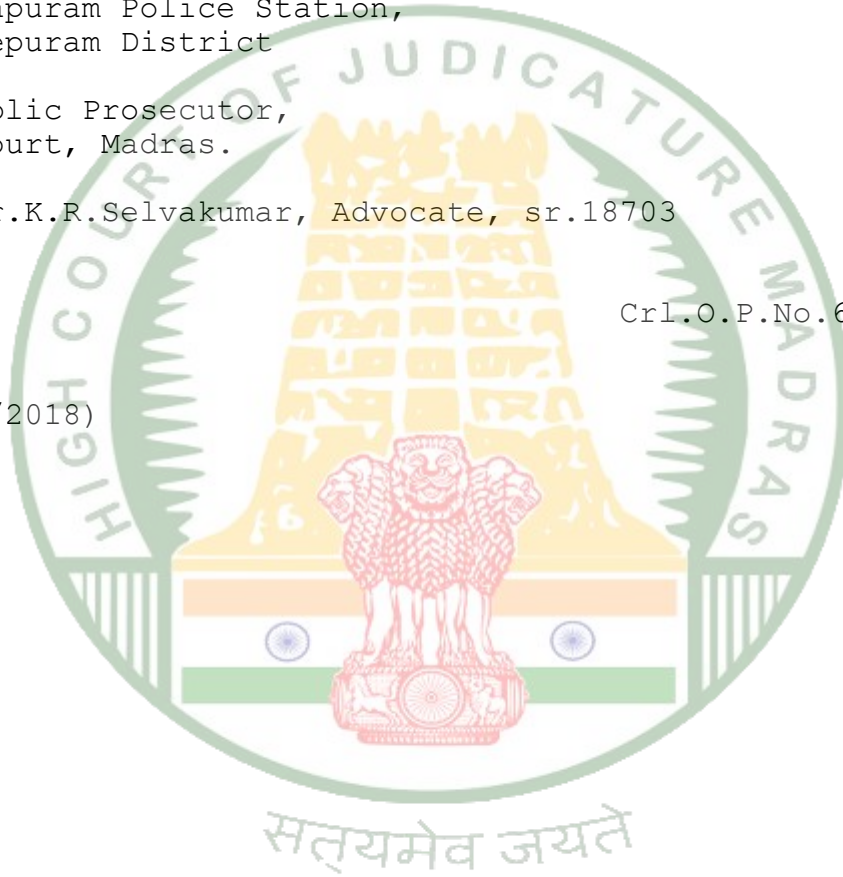
To

1. The Superintendent of Police,
Kancheepuram District.
2. The Deputy Superintendent of Police,
Kancheepuram District.
3. The Inspector of Police
Mamallapuram Police Station,
Kancheepuram District
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Selvakumar, Advocate, sr.18703

Crl.O.P.No.6804 of 2018

RMP (22/03/2018)



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