

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2018

CORAM:

THE HONOURABLE MR JUSTICE M.S.RAMESH

Crl.O.P.No.5820 of 2018

B.S.Senthil Kumar

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.

2. The Inspector of Police,
Town Police Station,
Thirupathur,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to appoint other investigation Officer other than the second respondent to register the case based on the petitioner's complaint dated 18.01.2018 and subsequently direct him to enquire the case within a stipulated time framed by this Honourable Court.

For Petitioner : Mr.V.T.Balaji
For Respondents : Mrs.P.Krithka Kamal
Government Advocate (Crl.Side)

ORDER

This petition is filed for seeking a direction to the first respondent to appoint other investigation Officer other than the second respondent to register the case based on the petitioner's complaint dated 18.01.2018 and subsequently direct him to enquire the case within a stipulated time framed by this Honourable Court.

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 18.01.2018 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 second 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. Since, the averments in the complaint as against the Inspector of Police, Town Police Station, Thirupathur, Vellore District, the Deputy Superintendent of Police, Vellore District shall adhere the following directions.

1) If the information received by the Deputy Superintendent of Police 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 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 office of Deputy Superintendent of Police.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv

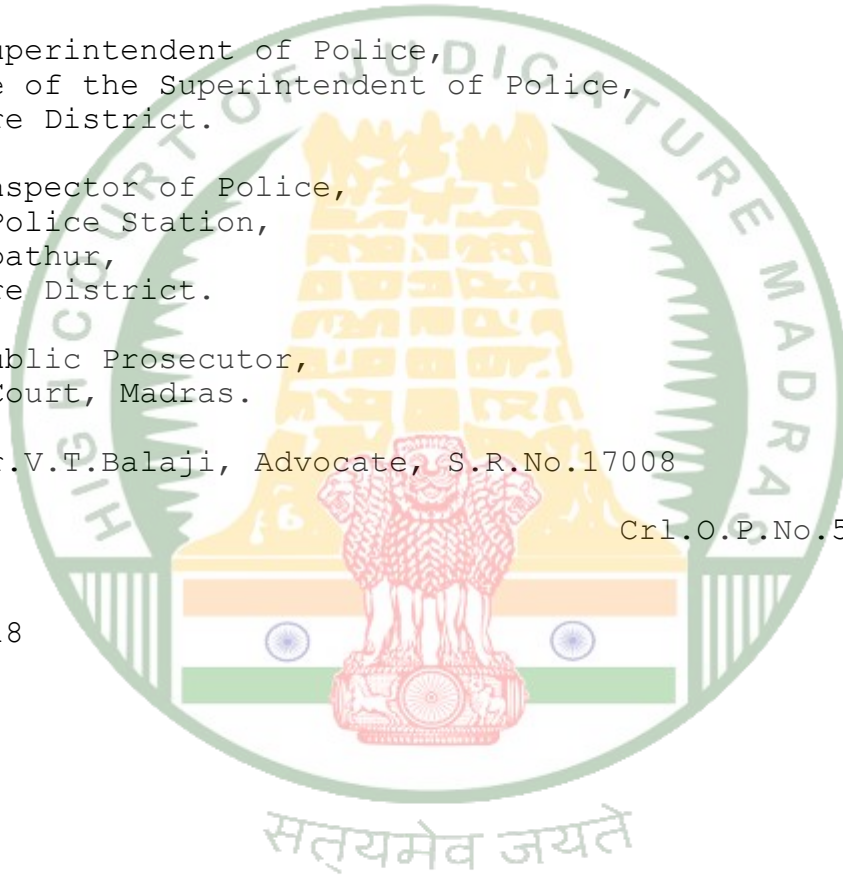
To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.
2. The Inspector of Police,
Town Police Station,
Thirupathur,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.T.Balaji, Advocate, S.R.No.17008

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SR(CO)
CS/03/04/18



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