

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.5827 of 2018

R.A.M.Sasikumar

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 7.
2. The Deputy Commissioner of Police,
Washermenpet,
Chennai - 21.
3. The State Rep. by
Inspector of Police,
H-1, Washermenpet Police Station,
Chennai - 21. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the third respondent police to register the petitioner complaint dated 19.02.2018 pending in C.No.360/COP/Visitor/2018 dated 21.02.2018 and investigate the case in accordance with law.

For Petitioner : Mr.J.Karthikeyan
For Respondents : Mrs.Kritika Kamal.P
Government Advocate (CrI. Side)

ORDER

This petition is filed seeking a direction to the respondent police 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 third 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 third 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 implicate the third respondent herein as well as R.K.Nagar Police Station, Chennai, who object to conduct the enquiry, it would be appropriate that the second respondent to conduct such an enquiry and shall adhere to the following directions.

1) If the information received by the second 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 second 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 second respondent's police station.

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

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dh

To

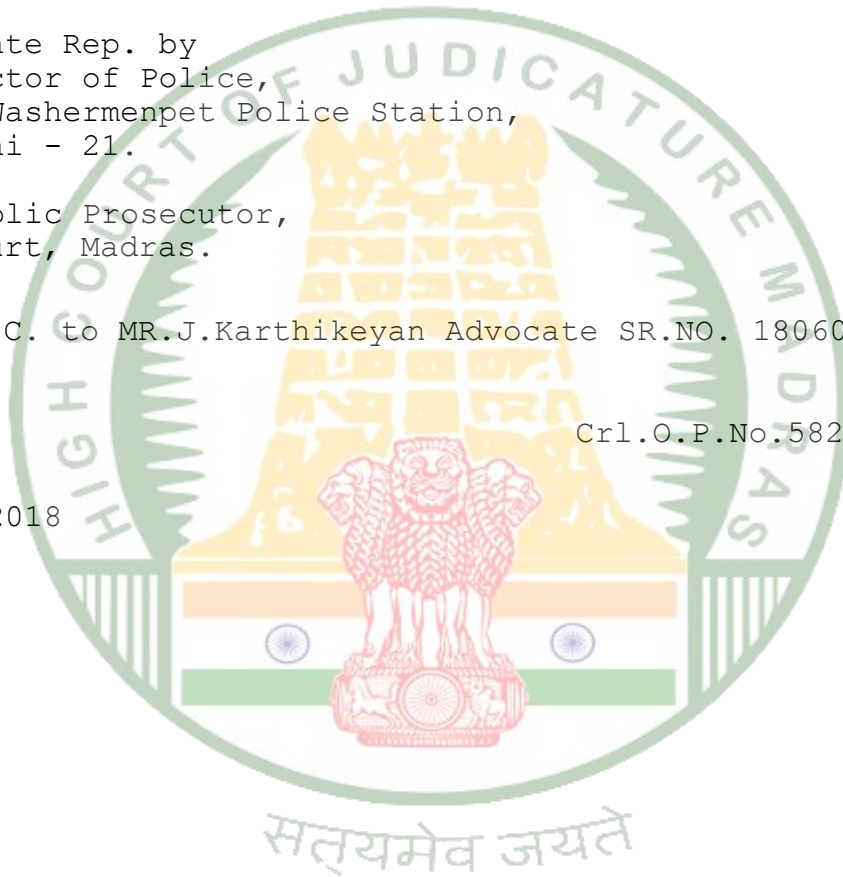
1. The Commissioner of Police,
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Vepery, Chennai - 7.
2. The Deputy Commissioner of Police,
Washermenpet,
Chennai - 21.
3. The State Rep. by
Inspector of Police,
H-1, Washermenpet Police Station,
Chennai - 21.
4. The Public Prosecutor,
High Court, Madras.

+1 C.C. to MR.J.Karthikeyan Advocate SR.NO. 18060

Cr1.O.P.No.5827 of 2018

RV (CO)

VS 23.03.2018



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