

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8916 of 2018

South Indian Artistes' Association,
Rep by its General Secretary -Vishal Krishna
G-1,Nanda Apartments,
No.21,Habibullah Road,
T.Nagar, Chennai-600 017.

... Petitioner

Versus

The Inspector of Police,
District Crime Branch,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the Inspector of Police, District Crime
Branch, Kancheepuram District to register an FIR on the
Complaint dated 26.09.2017 and proceed in accordance with law.

For Petitioner : Mr.Krishna Ravindran

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl 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 26.09.2017.

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 the South Indian Artistes' Association, on
26.09.2017 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 26.09.2017 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 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 respondent's police station.

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

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

klt

To

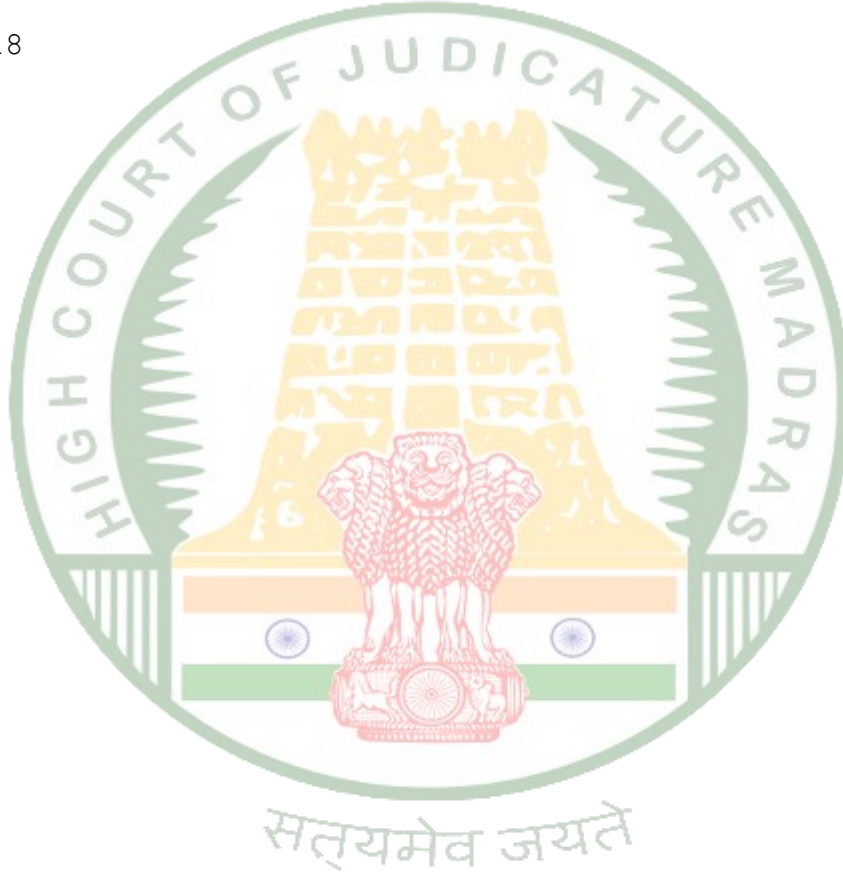
1. The Inspector of Police,
District Crime Branch,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Krishna Ravindran, Advocate, S.R.No.23790

CrI.O.P.No.8916 of 2018

CS/12/04/18



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