

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.7931 of 2018

D.Rajeswari

... Petitioner

Versus

1.The Commissioner of Police,
Greater City Commissioner Office,
E.V.K.Sambath Salai, Vepery,
Chennai - 600 004.

2.The Inspector of Police (Crime),
S-13, Chrompet Police Station,
Chrompet, Chennai - 600 044.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. praying to direct the respondent police to register
a case based on the petitioner's complaint dated 08.03.2018.

For Petitioner : Mr.B.Karthik Narayanan

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. side)

ORDER

This petition is filed seeking a direction to the
second respondent police to register a case on the basis of
the petitioner's complaint dated 08.03.2018.

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 her on 08.03.2018 to the respondents,
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 information does not disclose a cognizable
offence, a preliminary enquiry has to be conducted.

4. The respondents 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 08.03.2018 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 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 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 second respondent's police station.

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

-s/d-
Deputy Registrar

True Copy

To

1.The Commissioner of Police,
Greater City Commissioner Office,
E.V.K.Sambath Salai, Vepery,
Chennai - 600 004.

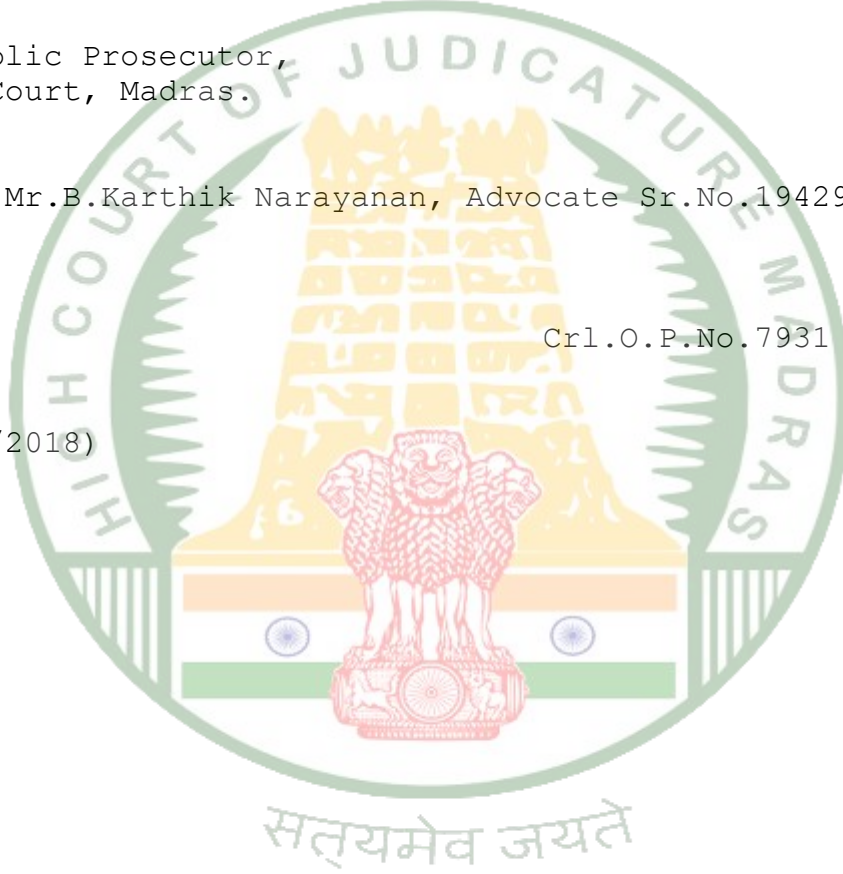
2.The Inspector of Police (Crime),
S-13, Chrompet Police Station,
Chrompet, Chennai - 600 044.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.B.Karthik Narayanan, Advocate Sr.No.19429

Cr1.O.P.No.7931 of 2018

KP(03/04/2018)



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