

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.22477 of 2017

G.Sakthivel

..Petitioner

Vs

1. The Inspector General of Police,
Trichy Central Zone, Tiruchirapalli,
2. The Deputy Inspector General of Police,
Thanjavur Range,
3. The Superintendent of Police,
Nagapattinam.
4. The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
5. Md.Inayathullah -H.C,198.
Keevalur Police Station,
Nagapattinam District.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to order transfer of Investigation of F.I.R.No.432 of 2017 to any specialised agency, viz C.B.I or C.B.C.I.D direct them to investigate the case based on the actual facts narrated in the petitioner's complaint dated 28.08.2017.

For Petitioner : Mr.S.Natana Rajan
For Respondents : Ms.P.Kritika Kamal - For R1 to R4
No appearance - For R5
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O R D E R

The prayer sought for in the present petition is to order transfer of Investigation of F.I.R.No.432 of 2017 to any specialised agency, viz C.B.I or C.B.C.I.D and direct them to

investigate the case based on the actual facts narrated in the petitioners complaint dated 28.08.2017.

2.It is submitted by the learned counsel for the petitioner that the complaint which is reflected in F.I.R.No.432 of 2017 is not the version of the petitioner. The learned counsel for the petitioner further submitted that he had a complaint of an offence of robbery, but however the fourth respondent herein had registered the complaint as a theft. In such circumstances, the petitioner seeks for transfer of the complaint.

3. Apart from that the submissions made by the learned counsel for the petitioner, it is seen that the F.I.R came to be registered on 28.08.2017 and was despatched to the Judicial Magistrate only on 07.09.2017. This aspect reveals the lethargic attitude of the concerned investigating officer in failing to follow the legal procedure for the a registration of First Information Report.

4. The petitioner has now produced a copy of the complaint on 28.08.2017 which granting to him, is the original version of the complaint.

5. Though the petitioner sought for transfer the case, it would not be appropriate to have the present FIR pending in view of the serious allegations made by the petitioner.

6. In view of the irregularity in registering the complaint as well as forwarding the F.I.R to the concerned Jurisdictional Magistrate and F.I.R on file, the case in Crime No.432 of 2017 is quashed.

7. In this background, the petitioner is given liberty to furnish a copy of the complaint dated 03.10.2017 to the Deputy Superintendent of Police, Nagapattinam and on receipt of such a complaint, Deputy Superintendent of Police, Nagapattinam shall adhere to the following directions.

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

8. In the result, the Criminal Original Petition stands allowed.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Inspector General of Police,
Trichy Central Zone, Tiruchirapalli,
2. The Deputy Inspector General of Police,
Thanjavur Range,
3. The Superintendent of Police,
Nagapattinam.
4. The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.

5. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.S.Natanarajan, Advocate Sr.No.10203

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RRI 26/02/2018



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