

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 34127 of 2017
and

W.M.P.No.37881 of 2017

Smt.Anushiya

.. Petitioner

Vs

1. The District Collector,
Thiruvannamalai District.
2. The Sub-Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
3. Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
4. The Superintendent of Police,
Thiruvannamalai District.
5. Srinivasan
6. Srinivasan
7. Kumar
8. Munusami
9. Rajaram
- 10.Sridhar
11. Srinivasan
12. The Revenue Divisional Officer,
Cheiyar,
Thiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 & 12 to take action on petitioner's complaint dated 25.09.2017 against the respondent 5 to 11.

For Petitioner : M/s.Dr.G.Krishna Murthy

For Respondents : Mr.D.Raja,
Additional Government Pleader
-For R1 to R4 & R12
No Appearance for R5 to R11

O R D E R

This Writ Petition is filed seeking a direction to the Respondents 1 to 4 & 12 to register a case on the basis of the petitioner's complaint dated 25.09.2017.

2.By consent of both sides, this writ petition is taken up for final disposal.

3.The grievance of the petitioner is that inspite of a complaint given by him on 25.09.2017 to the first 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 first 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 25.09.2017 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 concerned jurisdictional police station/ respondent 2 or 3 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 concerned jurisdictional police station/ respondent 2 or 3 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 concerned jurisdictional police station/ respondent 2 or 3 police station.

6. In the result, the Writ Petition is allowed. Consequently, connected Miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dh

To

1. The District Collector,
Thiruvannamalai District.
2. The Sub-Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
3. Inspector of Police,
Dusi Police Station,
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4. The Superintendent of Police,
Thiruvannamalai District.
5. The Revenue Divisional Officer,
Cheiyar,
Thiruvannamalai District.

+ 1 cc to Mr. G. Krishnamurthy, Advocate Sr.4662
+ 1 cc to Government Pleader SR.5455

W.P.No.34127 of 2017

SSI (CO)
EU(05/02/2018)