

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 08.01.2018
CORAM
THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 34398 of 2017

S.Dhatchayini

.. Petitioner

Vs

1. The Sub Registrar
Sub Registrar Office,
Ponneri,
Tiruvallur District.
 2. The Inspector of Police,
Economic Offence Wing,
Guindy, Chennai.
 3. The Branch Manager,
Sree Gokulam Chit and Finance Company Pvt., Ltd.,
96, Arcot Road,
Kodambakkam, Chennai-600024.
 4. Thiruselvi
 5. Murugan
 6. S.Baskaran
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to register the case against the respondents 3 to 6 on the basis of the complaint dated 11.09.2017.

For Petitioner : Mr. S.Radhakrishnan

For Respondents : Mr.D.Raja,
Additional Government Pleader
-For R1 & R2

ORDER

This Writ Petition is filed seeking a direction to the 2nd respondent police to register a case on the basis of the petitioner's complaint dated 11.09.2017.

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 11.09.2017 to the 2nd 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 2nd 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 11.09.2017 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 2nd 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 2nd 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 2nd respondent's police station.

6. In the result, the Writ Petition is allowed. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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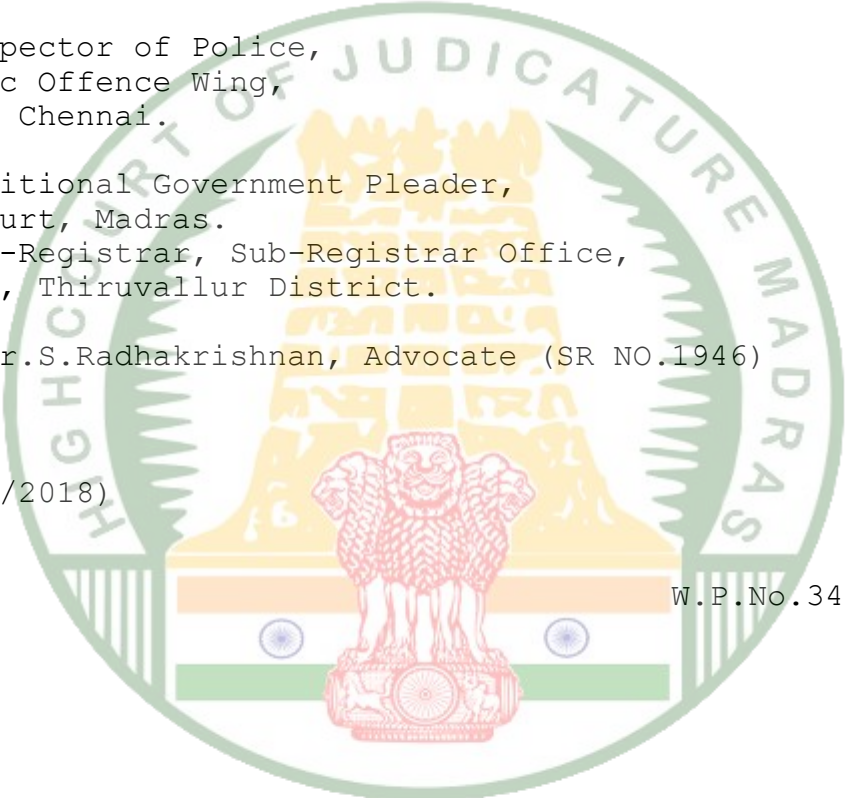
To

1. The Inspector of Police,
Economic Offence Wing,
Guindy, Chennai.
2. The Additional Government Pleader,
High Court, Madras.
3. The Sub-Registrar, Sub-Registrar Office,
Ponneri, Thiruvallur District.

+1 cc to Mr.S.Radhakrishnan, Advocate (SR NO.1946)

lrs (CO)
ksa (03/02/2018)

W.P.No.34398 of 2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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