

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24586 of 2017

&

Crl.M.P.Nos.14217 and 14218 of 2017

Nava Healthcare Pvt Ltd.,

Rep by its Director,

1105, 11th floor, Kirti Shikhar,

District Centre, Janak Puri,

New Delhi 110058.

... Petitioner

Vs.

1. The State Rep by

The Inspector of Police,

B-2, Police Station,

#6A, Plot #100/2, 2nd Main Road,

Nanganallur, Chennai- 600 061.

2. The Commissioner of Police,

132, Commissioner Office Building,

EVK Sampath Road, Vepery, Periamet,

Chennai- 600 007.

3. Corporation Bank,

Rep by its Authorised Representative,

2/2220, Moovarasampattu Main road,

Near Madipakkam Koot road, Moovarasampattu,

Madipakkam, Chennai- 600 091.

4. Axis Bank

Rep by its Authorised Representative,

Senthuran Colony, No.2, Medavakkam High Road,

Madipakkam, Chennai- 600 091

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent police to register the petitioner's complaint dated 12.11.2016 by taking cognizance of additional complaint dated 03.11.2017 thoroughly investigate the matter and arrest the miscreants.

For Petitioner

: Mr.K.V.Bhashyam Chari

For Respondent

: Mrs. Saratha Devi

No.1 and 2

Government Advocat (Crl.Side)

For Respondent No.3 : Mr.S.Sethuraman

For Respondent No.4 : Mr.R.Venkatavarathan

ORDER

This petition is filed seeking a direction to the first respondent police to register the petitioner's complaint dated 12.11.2016 by taking cognizance of additional complaint dated 03.11.2017 thoroughly investigate the matter and arrest the miscreants.

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 him on 12.11.2016 to the 1st 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 1st 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 12.11.2016 to the Station Housing Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station Housing Officer shall adhere to the following directions.

1)If the information received by the 1st 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 1st 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 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 1st respondent's police station

6. In the result, the Criminal Original Petition is allowed with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B-2, Police Station,
#6A, Plot #100/2, 2nd Main Road,
Nanganallur, Chennai- 600 061.

2. The Commissioner of Police,
132, Commissioner Office Building,
EVK Sampath Road, Vepery, Periamet,
Chennai- 600 007.

3. The Public Prosecutor,
High Court, Madras.

+2CC to Mr.K.V.Bhashyam Chari, Advocate vide S.R.NO.4042
+1cc to Mr.S.Sethuraman, Advocate sR.No.3856 dt.7.6.2018

Cr1.O.P.No.24586 of 2017

PA (CO)
MRR (03/02/2018)