

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.2322 of 2018

Antony Clement Rubin

... Petitioner

Vs.

1. Assistant Commissioner of Police,
Cyber Crime Cell,
Commissioner Office Campus,
No.132, E.V.K.Sampath Road,
Vepery, Periamet,
Chennai - 600 007.

2. The Commissioner of Police,
Greater Chennai,
O/o. Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Periamet,
Chennai - 600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to instruct the first respondent to probe into the issue without any further delay and register the First Information Report (FIR) on the defamers based on the subsequent complaints lodged before the second respondent on the following dated 08.01.2018 and 18.01.2018.

For Petitioner : Mr.V.Pravin Rathinam

For Respondents : Mrs.P.Kritika Kamal
Government Advocate (CrI. side)

ORDER

This petition is filed seeking a direction to the second respondent to instruct the first respondent to probe into the issue without any further delay and register the First Information Report (FIR) on the defamers based on the subsequent complaints lodged before the second respondent on the following dated 08.01.2018 and 18.01.2018.

2. Heard learned counsel for the petitioner as well as the learned Government Advocate (CrI. side) appearing for the respondents.

3.The grievance of the petitioner is that inspite of complaints given by him on 08.01.2018 and 18.01.2018 to the second 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 respondents are 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 complaints dated 08.01.2018 and 18.01.2018 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 concerned jurisdictional officer 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 officer 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 concerned jurisdictional officer's police station.

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

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. Assistant Commissioner of Police,
Cyber Crime Cell,
Commissioner Office Campus,
No.132, E.V.K.Sampath Road,
Vepery, Periamet,
Chennai - 600 007.

2. The Commissioner of Police,
Greater Chennai,
O/o. Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Periamet,
Chennai - 600 007.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.2322 of 2018

VC (17/02/2018)

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