

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2410 of 2018

S.Palanisamy

... Petitioner

Vs.

1. State rep. by
The Superintendent of Police,
Villupuram, Villupuram District.

2. The Deputy Superintendent of Police,
Villupuram, Villupuram District.

3. The Inspector of Police,
Kaanai Police Station,
Villupuram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the third respondent police to register a case based on the petitioner's complaint dated 06.10.2017 and investigate the same in accordance with law.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking a direction to the third respondent police to register a case based on the petitioner's complaint dated 06.10.2017 and investigate the same in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The grievance of the petitioner is that inspite of a representation given by him on 06.10.2017 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 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. It is submitted by the learned counsel for the petitioner that the complaint is as against the Inspector of Police, Kaanai Police Station, Villupuram District, as such, it would not be appropriate to direct the third respondent to conduct an enquiry on the petitioner's complaint.

6. The learned Government Advocate (Crl.Side), on instruction, submitted that the petitioner's complaint is being inquired into by the Deputy Superintendent of Police, Villupuram, Villupuram District.

7. In view of the same, the second respondent/Deputy Superintendent of Police, Villupuram, Villupuram District, shall adhere to the following directions.

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

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1. The Superintendent of Police,
Villupuram, Villupuram District.

2. The Deputy Superintendent of Police,
Villupuram, Villupuram District.

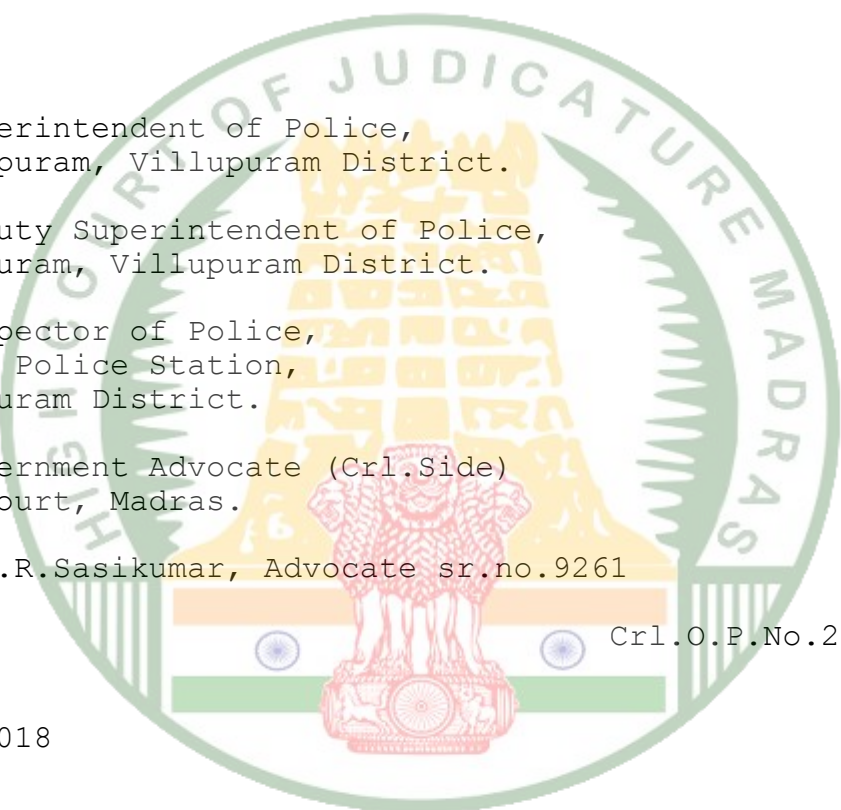
3. The Inspector of Police,
Kaanai Police Station,
Villupuram District.

4. The Government Advocate (Crl.Side)
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate sr.no.9261

Crl.O.P.No.2410 of 2018

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nr 21/02/2018

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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