

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27258 of 2017

B.Padmavathi ... Petitioner
Vs.

- 1.The Deputy Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
 - 2.The Inspector of Police,
Central Crime Branch,
Team XV, Vepery,
Chennai 600 007.
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to register the petitioner's complaint dated 09.09.2016.

For Petitioner : M/s.R.Aparna

For Respondents : Mrs.P.Kritika Kamal
Government Advocate [Crl. Side]

ORDER

This petition is filed seeking a direction to direct the respondent to register the petitioner's complaint dated 09.09.2016.

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

3.The grievance of the petitioner is that inspite of a complaint given by her on 09.09.2016 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. This court by a common order dated 25.07.2016 passed in CrI.O.P.Nos.15182, 15797 & 15798 of 2016 had directed the petitioners to lodge a complaint before the Deputy Commissioner of Police, Vepery, Chennai for the purpose of assigning the complaint to the Anti-land Grabbing Cell for enquiry. In pursuance to the said order, the petitioner herein had lodged a complaint on 24.09.2016 and since the complaint has not been registered till date, the present Criminal Original petition has been filed.

5. In view of the earlier order of this Court, the petitioner herein is directed to give a copy of the complaint dated 24.09.2016 to the second respondent herein and on receipt of said complaint, the second respondent shall assign the complaint to a competent officer attached to the Anti-Land Grabbing Cell who shall adhere to the following directions:

1) If the information received by the 2nd respondents 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 respondents 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 2nd respondent police station.

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

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Vepery, Chennai 600 007.

2.The Inspector of Police,
Central Crime Branch,
Team XV, Vepery,
Chennai 600 007.

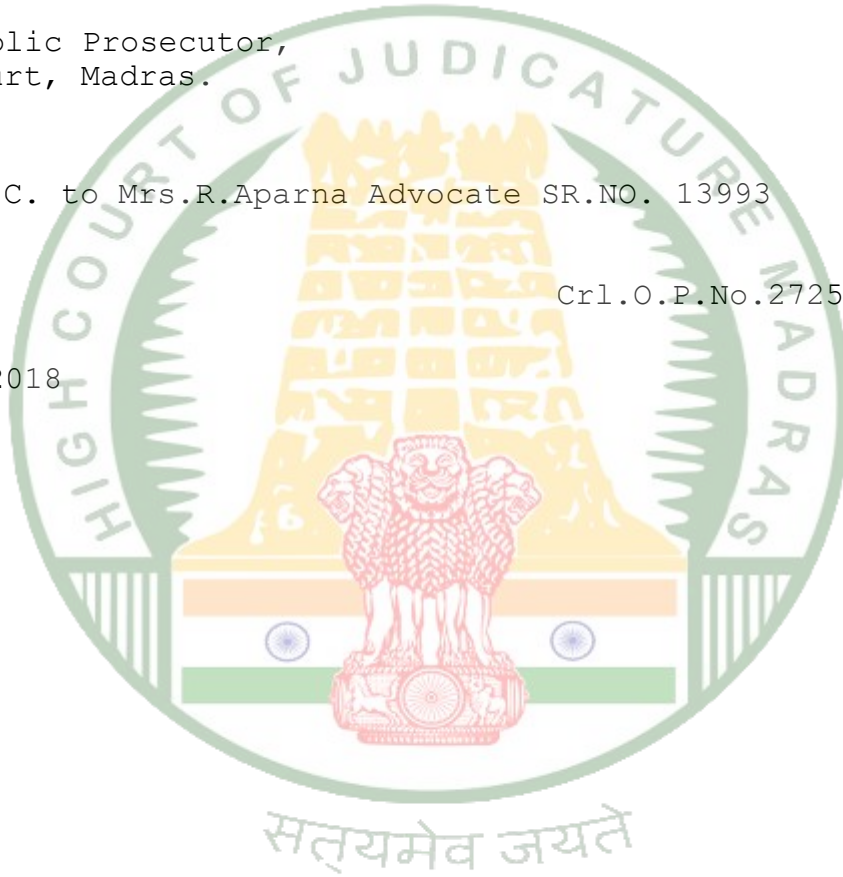
3. The Public Prosecutor,
High Court, Madras.

+1 C.C. to Mrs.R.Aparna Advocate SR.NO. 13993

Cr1.O.P.No.27258 of 2017

RSY (CO)

VS 15.03.2018



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