

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29066 of 2017

1.K.S.Yogalaxmii
2.K.Santhose Kumar

...
Vs.

Petitioners

1.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai-4.

2.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

3.The Inspector of Police,
Tiruttani Police Station,
Tiruttani, Thiruvallur District.

4.Kulasekaran
Member of Baliya Vari Association,
Jyothi Swamy Street,
Next to Vinayagam Jewellers,
Near Centre Railway Gate,
Tiruttani, Thiruvallur District.

5.Munykumar
6.Mani
7.Indumathi
8.Sujatha
9.Jayapradha
10.Hema

सत्यमेव जयते ...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 3 to take action on the petitioners' complaints dated 17.12.2017 against the respondents 4 and 5 for conducting Katta Panchayat in support of the respondents 6 to 10, as held in 2005(4) CTC 241 DB.

For Petitioners : M/s.N.Manokaran

For Respondents : Mr.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the respondents 1 to 3 to take action on the petitioners' complaints dated 17.12.2017 against the respondents 4 and 5 for conducting Katta Panchayat in support of the respondents 6 to 10, as held in 2005(4) CTC 241 DB.

2.By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3.The grievance of the petitioners are that inspite of a complaint given by them on 17.12.2017 to the respondents 1 to 3, 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 1 to 3, are not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioners have 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 petitioners are directed to give a copy of the complaint dated 17.12.2017 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 3rd 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 3rd 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 3rd respondent's police station.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

stm

To

- 1.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai-4.
- 2.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
- 3.The Inspector of Police,
Tiruttani Police Station,
Tiruttani, Thiruvallur District.
- 4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Palanivel, Advocate, SR.13988
+ 1 cc to Mr.N.Manokaran Advocate, SR.14250

CrI.O.P.No.29066 of 2017

nr 19/03/2018