

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

Crl.O.P.No.13293/2018

W.Camyles Gandhi

..

Petitioner

Vs.

The State represented by
The Inspector of Police
Sholavaram Police Station
Chennai.

..

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register a FIR on the complaint dated 05.05.2018 in accordance with law.

For Petitioner : Mr.A.Sasivel

For Respondent : Mrs.P.Kritika Kamal, GA [Crl.Side]

ORDER

This petition is filed seeking a direction to the respondent to register a case on the basis of a complaint given by the petitioner dated 05.05.2018.

2 Heard the learned counsel for the petitioner as well as the learned Government Advocate [Crl.Side] appearing on behalf of the respondent.

3 The grievance of the petitioner is that in spite of a complaint given by him on 05.05.2018 to the 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 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. Hence, the respondent is directed as follows:

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 as expeditiously as possible from the date of information.

3) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.

4) If the preliminary inquiry ends in closing the complaint, the disclosure 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.

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

Sd/-
Assistant Registrar(comp)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
Sholavaram Police Station
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Sasivel, Advocate sr.no.33294

Cr1.O.P.No.13293/2018

cp(co)
nr 15/05/2018