

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

CORAM:

THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM

Crl.O.P.No.13368 of 2018

Thavasi Muthu

.. Petitioner

Vs.

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

2.The Sub-Inspector of Police,  
Wate Falls Police Station,  
Water Falls,  
Valparai,  
Coimbatore District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to conduct an enquiry on the complaint of the petitioner dated 23.04.2018 and register a case against the proposed accused.

For Petitioner : Mr.SP.Vijay Nivas  
For Respondents : Ms.P.Kritika Kamal  
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking a direction to the respondent conduct to an enquiry on the complaint of the petitioner dated 23.04.2018 and register a case against the proposed accused.

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

3.The grievance of the petitioner is that inspite of a complaint given by him on 23.04.2018 to the respondents, 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. Hence, the respondents are directed as follows:

1) If the information received by the 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 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 seven 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 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/Vacation Officer

//True Copy//

Sub Assistant Registrar

msv

To

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

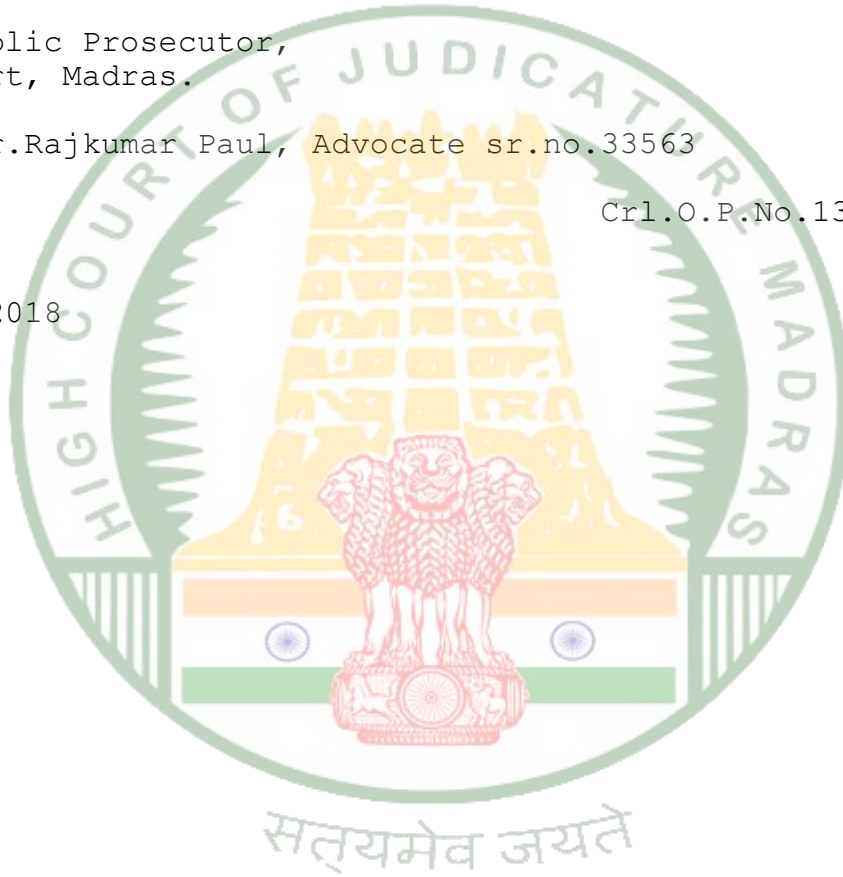
2.The Sub-Inspector of Police,  
Wate Falls Police Station,  
Water Falls,  
Valparai,  
Coimbatore District.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.Rajkumar Paul, Advocate sr.no.33563

Cr1.O.P.No.13368 of 2018

nri(co)  
nr 04/06/2018



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