

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1695 of 2018

State Bank of India,

III Avenue Anna Nagar Branch,  
represented by its Branch Manager,  
Mr.S.Veeranjaneyulu .... Petitioner

Vs.

State by

1.The Commissioner of Police,  
Greater Chennai City Police, Chennai.

2.The Inspector of Police,  
Central Crime Branch, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.  
praying to direct the respondent Police to register the  
petitioner's complaint dated 22.02.2011 for the offences committed  
by the above said Accused M.Venkatesh to take necessary action  
against the Accused.

For Petitioner : Mr.C.P.R.Kamaraj

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

ORDER

This petition is filed seeking a direction to the 2<sup>nd</sup>  
respondent police to register a case on the basis of the  
petitioner's complaint dated 22.02.2011.

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 22.02.2011 to the 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

5. In the result, the petitioner is directed to give a copy of the complaint dated 22.02.2011 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 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 2<sup>nd</sup> respondent's police station.

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

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,  
Greater Chennai City Police, Chennai.

2.The Inspector of Police,  
Central Crime Branch, Chennai.

3.The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.C.P.R.Kamaraj, Advocate SR.No.4727/18

CO-  
ths : 03.02.2018



Cr1.O.P.No.1695 of 2018

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