

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1784 of 2018

G.Devarajan

... Petitioner

Vs.

1.The Election Officer,
Tamil Nadu Election Commission,
RK Nagar Constituency, Chennai.

2.The Commissioner
Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai 600 007.

3.The Inspector of Police,
H6 Police Station (L & O)
Manali Salai, Dr.Radha Krishnan Nagar,
Korukkupet, Chennai 600 021.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 3rd respondent to register the FIR is filed against the actor Vishal and directions issued to investigate whether the kidnapping of two proposers of his candidature were in fact happened and the threat to them was really made and whether it was a plan to disrupt the R.K.Nagar by-election and if there is truth in that action to be taken against him under National Security Act for diverting the attention of the public by false rumors and creating panic before an election and disrupting peace may be directed to take suitable action.

For Petitioner : Mr.G.Devarajan
(party in person)

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

ORDER

This petition is filed seeking a direction to the 3rd respondent to register the FIR is filed against the actor Vishal and directions issued to investigate whether the kidnapping of two proposers of his candidature were in fact happened and the threat to them was really made and whether it was a plan to disrupt the R.K.Nagar by-election and if there is truth in that action to be taken against him under National Security Act for diverting the attention of the public by false rumors and creating panic before an election and disrupting peace may be directed to take suitable action.

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 06.12.2017 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.

5.In the result, the petitioner is directed to give a copy of the complaint dated 06.12.2017 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 2nd 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 2nd 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 2nd respondent's police station.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sjj/aav

To

1. The Election Officer,
Tamil Nadu Election Commission,
RK Nagar Constituency, Chennai.

2. The Commissioner
Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai 600 007.

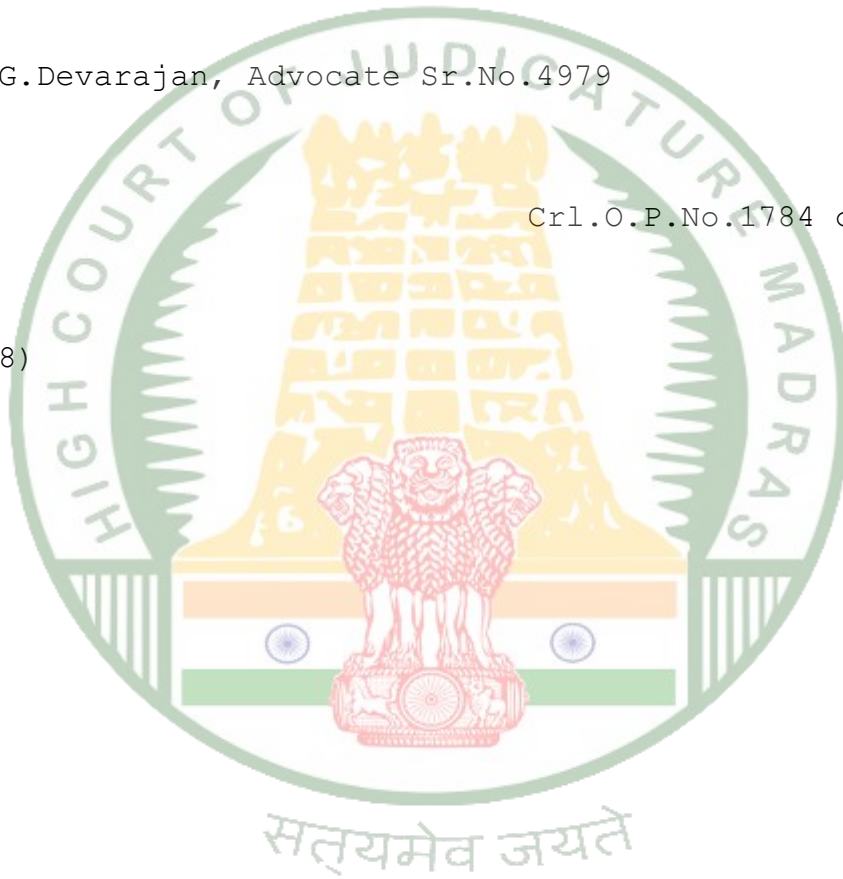
3.The Inspector of Police,
H6 Police Station (L & O)
Manali Salai, Dr.Radha Krishnan Nagar,
Korukkupet, Chennai 600 021.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G.Devarajan, Advocate Sr.No.4979

Cr1.O.P.No.1784 of 2018

VGI (CO)
KP (06/02/2018)



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