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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.05.2018
CORAM:
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.(MD)No.8178 of 2018

Gokila ... Petitioner

Vs.

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

2. The Inspector of Police,
   All Women Police Station,
   Devakottai, Sivagangai District. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to register a case on complaint given by the petitioner dated 10.11.2017 within a time as stipulated by this Court and to investigate the same in accordance with law.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate(Criminal Side)

ORDER

This petition is filed seeking a direction to the second respondent to register a case on complaint given by the petitioner dated 10.11.2017 within a time as stipulated by this Court and to investigate the same in accordance with law.

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 10.11.2017 to the second 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.

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4. The second 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 10.11.2017 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 second 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 second 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 second respondent's police station.

6)It is made clear that this Court has not given any positive direction to register the complaint but the concerned Investigating Officer shall adhere to the aforesaid procedures while dealing with the petitioner's complaint.

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

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

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

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2. The Inspector of Police,
   All Women Police Station,
   Devakottai, Sivagangai District.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

MYR/PS

VB/SKN/RSK/SAR2/30.05.2018/3P/4C

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