



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8445 of 2018

Malar

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukottai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondents to register the FIR on the basis
of the complaint of the petitioner dated 13.04.2018.

For Petitioner : Mr.R.Sivalingam

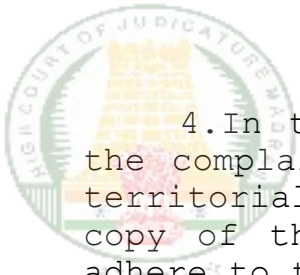
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side).

ORDER

This petition is filed seeking a direction to the respondent to
register a case based on the complaint given by the petitioner
herein dated 13.04.2018.

2.The grievance of the petitioner is that inspite of a
complaint given by him on 13.04.2018 to the 2nd 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.

3. The 2nd 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.



4. In the result, the petitioner is directed to give a copy of the complaint dated 13.04.2018 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.

WEB COPY

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) 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.

5. 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,
Pudukottai District.



2. The Inspector of Police,
Ponnamaravathy Police Station,
Pudukottai District.

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

+1cc to M/S.R.Sivalingam, Advocate SR.No. 65707

CrI.O.P.No.8445 of 2018
17.05.2018

mm/rr

JM/SV MMS/SAR 3/31.05.2018/3P/5C