

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-23809 of 2020

Date of Decision : August 21, 2020

Manjeet Kaur @ Manjit Kaur

..... PETITIONER(S)

VERSUS

State of Punjab and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Deepak Agnihotri, Advocate, for the petitioner.
 Mr. Hittan Nehra, Additional Advocate General, Punjab.

...

Sanjay Kumar, J.

By way of this petition filed under Section 482 Cr.P.C., the petitioner seeks a direction to the police authorities of the State of Punjab to decide her representation dated 07.02.2020 (Annexure P-1).

By the said representation, the petitioner alleged commission of a cognizable offence by the persons named therein. However, none of them have been impleaded as parties to this petition.

That being one aspect of the matter, it may be noted that the jurisdictional Station House Officer must be approached in the first instance if a cognizable offence has been committed against the

Complainant. However, Section 154(3) Cr.P.C. permits an aggrieved party

to approach the Superintendent of Police in the event there is inaction on the part of the said Station House Officer. Be it noted that once commission of a cognizable offence is brought to the notice of the police authorities, they are bound to take action in relation thereto in terms of the law laid down by a Constitution Bench of the Supreme Court in **Lalita Kumari vs. Government of U.P. [(2014) 2 SCC 1]**. The directions of the Supreme Court in this regard read as under :-

'120. In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable

offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

- a) Matrimonial disputes/ family disputes**
- b) Commercial offences**
- c) Medical negligence cases**
- d) Corruption cases**
- e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay.**

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

120.7. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.'

The petition is accordingly disposed of leaving it open to the petitioner to file a suitable complaint before the jurisdictional Station House Officer setting out full details. In the event such a complaint is

received, the Station House Officer concerned shall take appropriate action thereon, in terms of the aforestated directions of the Supreme Court.

August 21, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No