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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17872-2023
Decided on:-08.05.2023

Jaimal Singh

....Petitioner..

vs.

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Sukhpreet Kaur Grewal, Advocate,
for the petitioner.

HARKESH MANUJA J.

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for issuance of direction to official respondents to conduct a fair and impartial investigation upon the complaint dated 28.03.2023 (Annexure P-1) submitted by the petitioner.
2. Upon advance notice, Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice and on instructions from ASI Varinder Singh submits that inquiry upon the representation dated 28.03.2023 (Annexure P-1) submitted by the petitioner shall be concluded within a period of 04 weeks from today and action in accordance with law shall be taken thereupon.
3. Before proceeding further, it would be appropriate to refer to the MLR conducted upon the injured/complainant and relevant extract of the same is reproduced as under:-

Particulars of total body injuries marked on above image		
Sr. No.	Injury details	Injury number
1	An incised wound present on the front of left leg 4 x 1 cm,	1

	muscle deep, fresh bleeding present, advise X-ray	
2	An incised wound 4 x 1 cm present on the front of forehead on right fronto parietal region, fresh bleed present, muscle deep, advise x-ray	2
3	C/o pain along with reddish bruise multiple on the upper back	3
4	A reddish abrasion 1 x 1 cm present the PIP joint of middle finger of left hand, Advise X-ray	4

4. Admittedly, the incident in the present case took place on 09.12.2022 and MLR dated 10.12.2022 was forwarded by the CHC Fatehgarh Churian to the concerned police station, but the official respondents took almost 4 months to even contact the petitioner and act in pursuance of the MLR dated 10.12.2022, thereby compelling him to approach this Court for issuance of necessary directions. Averments made in the representation dated 28.03.2023 (Annexure P-1) submitted by the petitioner coupled with the injuries mentioned in the MLR clearly disclose cognizable offence, thus, the official respondents were duty bound to register FIR based on the information received as per the decision rendered by the Hon'ble Supreme Court in the case of **"Lalita Kumari vs. Government of UP", 2014 AIR SC 187**, wherein it has been held as under:-

"111) In view of the aforesaid discussion, we hold:

- i) 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.*
- ii) 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.*
- iii) 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.

*iv) **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.***

v) 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.

vi) 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.

vii) 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.

viii) 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."

5. In view of the above, the present petition is disposed of in terms of the statement made by learned State counsel to take action on the representation dated 28.03.2023, submitted by the petitioner, within a period of four weeks from today. Furthermore, considering the fact that the petitioner has been unnecessarily burdened to approach this Court seeking enforcement of his rights on account of inaction on the part of official respondents, the erring respondents are burdened with cost of Rs.20,000/- which shall be released in favour of the petitioner within a period of two weeks from today.

08.05.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No