
(2003) 10 MAD CK 0127

In the Madras High Court

Case No : Criminal Original Petition No. 9059 of 2002

K. Bagyalakshmiammal and K. Manoharan

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 14-10-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 482

Citation : (2004) 2 LW(Cri) 898

Hon'ble Judges : N. Dhinakar, J

Bench : Single Bench

Advocate : R. Bharathkumar, for the Appellant; M.K. Subramanian, Government Advocate (Criminal Side), for the Respondent

Final Decision : Dismissed

Judgement

N. Dhinakar, J.—The prayer in the petition is to direct the second respondent to register a case on the complaint dated 31.8.1999 given by the petitioners, which was numbered as C.S.R. No. 253 of 1999 by the Inspector of Police, Chetpet Police Station. The learned Government Advocate (Criminal Side) submits that on 3.4.2002, the complainant and the person accused in the said complaint appeared before the police officer and filed a petition stating that they have settled the dispute and no further action is required and therefore, action was dropped.

2. Though the petition is to be dismissed in view of the above statement, I cannot but observe that the police officer, who received the complaint dated 31.8.1999, went into slumber and did not take any action; but, only after three years, he closed the case, that too at the instance of the parties. This shows the callous attitude of the police officer, who received the complaint. It is not necessary for this court to remind the police officers in the State that if any complaint is given at the police station and if it discloses a cognizable offence, then he is duty-bound to register the same u/s 154 Cr.P.C. as a crime and thereafter, investigate and file the final report within a reasonable period either

charging the person accused of an offence or by referring the case as mistake of fact. No police officer can keep the complaint pending in his police station without registering it if a cognizable offence is made out and if no cognizable offence is made out on the allegations made in the complaint, he is expected to inform the complainant immediately or at least within a reasonable period, that his complaint cannot be investigated as no cognizable offence is made out. In the present case, the officer did not do so. In fact, this court had come across several cases where the investigating officers, though receive the complaints, do not register them, but keep them pending on their file and in some cases, though they register the first information reports and send copies thereof to the courts, they do not investigate them in an expeditious manner resulting in grave prejudice to the parties concerned. I hope and trust that in future the officers concerned will understand the responsibilities and duties cast upon them under the Cr. P.C., and investigate the cases in an expeditious manner and dispose them of. The District Superintendents of Police concerned are also expected to see that the officers under their jurisdiction, follow the procedure contemplated under the Cr.P.C. and wherever slackness is seen on the part of the investigating officers, action should be taken by the District Superintendent of Police concerned or otherwise, there will be miscarriage of justice.

3. With the above observations, the CrI.O.P. is dismissed.