

(2013) 11 SC CK 0065

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No. 68 of 2008, Contempt Petition (C) No. D26722 of 2008 in Writ Petition (Criminal) No. 68 of 2008, S.L.P. (Criminal) No. 5986 of 2006, S.L.P. (Criminal) No. 5200 of 2009, Criminal Appeal No. 1410 of 2011 and Criminal Appeal No.

Lalita Kumari

APPELLANT

Vs

Govt. of U.P. and Others

RESPONDENT

Date of Decision : 12-11-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 21, 254(1), 32
Criminal Law (Amendment) Act, 2013 — Section 13
Criminal Procedure Code, 1973 (CrPC) — Section 112, 139, 151, 154, 154
Indian Penal Code, 1860 (IPC) — Section 498A, 166A

Citation : (2013) 12 AD 209 : AIR 2014 SC 187 : (2014) 1 ALD(Cri) 159 : (2014) 1 ALD(Cri) 100 : (2014) 84 ALLCC 719 : (2013) ALLMR(Cri) 4444 : (2013) 4 BomCR(Cri) 680 : (2014) 2 CHN 7 : (2014) CriLJ 470 : (2013) 6 CTC 353 : (2014) 2 GLT 1 : (2014) 1 JCC 1 : (2013) 4

Hon'ble Judges : P. Sathasivam, C.J.; Sharad Arvind Bobde, J; Ranjana Prakash Desai, J; Ranjan Gogoi, J; Balbir Singh Chauhan, J

Bench : Full Bench

Advocate : Mohan Parasaran, SG, K.V. Vishwanathan, A.S. Chandhiok, Sidharth Luthra, ASG, S.B. Upadhyay, R.K. Dash, Vibha Datta Makhija, Shekhar Naphade, Krishna Sarma, V. Madhukar, Subramonium Prasad, Manjit Singh, Manish Singhvi, AAG, Mona K. Rajvanshi, B.K. Shahi, Anurag Kashyap, B.P. Gupta, Ashwani Kumar, G. Sivabalamurugan, Anis Mohammad, Dayanandan Pandey, L.K. Pandey, Abhijat P. Medh, Shalu Sharma, Sudarshan Singh Rawat, Debasis Misra, Satya Siddiqui, Sarfraz A. Siddiqui, S.K. Mishra, D.S. Mahra, Ashok Dhamija, Rajiv Nanda, Sonia Dhamija, P.K. Dey, T.A. Khan, B.V. Balram Das, Gaurav Srivastava, Archana Singh, Abhish Kumar, Vikrant Yadav, Kamalendra Mishra, C.D. Singh, Arjun Dewan, Supriya Juneja, Gurmohan Singh Bedi, Anandana Handa, Charul Sarin, Mishra Saurabh, Sanjay Kharde, Shankar Chillarge, Sachin Patil, Shubhangi Tuli, Asha G. Nair, Ravindra Keshavrao Adsure, for M/s. Arputham Aruna and Co., Sharmila Upadhyay, Debasis Mishra, Ena Toli Sema, Hemantika Wahi, Parul Kumari, Anil Shrivastav, Rituraj Biswas, Sapam Biswajit Meitei, Khwairakpam Nobin Singh, Kamini Jaiswal, Jatinder Kumar Bhatia, Mukesh Verma, Naresh K. Sharma, P.V. Dinesh, Anitha Shenoy, Gopal Singh, Manish Kumar, Chandan Kumar, Ritu Raj Biswas, Anil K. Jha, Riku Sarma, Navnit Kumar, for M/s. Corporate Law Group, Sumita Hazarika, Satish Vig, Aruneshwar

Gupta, D. Bharathi Reddy, V.G. Pragasam, S.J. Aristotle, Prabhu Ramasubramanian, Dharmendra Kumar Sinha, Ajay Pal, R. Nedumaran, Ranjan Mukherjee, A. Subhashini, Monika Gusain, S. Thannanjayan, Sudharshan Singh Rawat, Rameshwar Prasad Goyal, Dinesh Sharma, Paritosh Anil, Anvita Cowshish, Kuldeep Singh, M. Yogesh Kanna, Vanita Chandrakant Giri, A. Shanta Kumar, Sasikala, K.N. Madhusoodhanan, R. Sathish, Vivekta Singh, Tarjit Singh, Vikas Sharma, Vinay Kuhar, Kamal Mohan Gupta, Amit Lubhaya and Irshad Ahmad, for the Appellant;

Final Decision : Disposed Of

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

The case arose from a writ petition filed by Lalita Kumari through her father, concerning the inaction of the police to register an FIR regarding her kidnapping. The petitioner reported the incident to the police, but no action was taken initially until the Superintendent of Police intervened. The case prompted scrutiny of the police's obligation to register FIRs under Section 154 of the Code of Criminal Procedure, given the inconsistent application of this requirement nationally.

LAW POINTS

['Is a police officer bound to register an FIR upon receiving information of a cognizable offence under Section 154 of the Code of Criminal Procedure?', 'Does a police officer have the discretion to conduct a preliminary inquiry before registering an FIR?']

ACTS & ARTICLES

['Code of Criminal Procedure, 1973 - Section 154', 'Code of Criminal Procedure, 1973 - Section 156', 'Code of Criminal Procedure, 1973 - Section 157', 'Constitution of India - Article 32']

JUDGMENTS REFERRED

['Lalita Kumari v. Government of Uttar Pradesh and Ors. (2008) 7 SCC 164', 'Bhajan Lal case', 'Ramesh Kumari case', 'Parkash Singh Badal case', 'P. Sirajuddin case', 'Sevi case', 'Rajinder Singh Katoch case', 'Aleque Padamsee case', 'Jacob Mathew case', 'Preeti Gupta case']

OBITER DICTA

The court observed that the balance between victims' rights and the protection of accused persons is critical. It emphasized the need for clarity on the registration of FIRs to prevent police misuse or neglect. The ruling also pointed out the implications of wrongful FIR registrations and the systemic challenges faced by victims.

RATIO DECIDENDI

The Constitution Bench concluded that the wording of Section 154(1) necessitates mandatory registration of FIRs upon receiving information about a cognizable offence, without the discretion to conduct a preliminary inquiry. This holds true unless the information is evidently not credible or does not disclose a cognizable offence.

FINAL RULING

The court ruled that police officers are indeed mandated to register FIRs when information related to cognizable offences is presented. Consequently, any preliminary inquiry is not permissible when such information is received. The ruling sought to standardize the practice across all law enforcement agencies in India.

PLAIN-LANGUAGE GIST

The dispute centered around whether police officers must register FIRs upon receiving cognizable crime reports or if they could first conduct preliminary inquiries. The Supreme Court ultimately determined that police officers are obligated to register FIRs immediately upon receiving such information, thereby reinforcing the rights of victims and the efficiency of the criminal justice system.