

(2018) 02 MAD CK 0254
In the Madras High Court
Case No : 2998 of 2018

M.Sengottuvel

APPELLANT

Vs

The Superintendent of Police & Anr.

RESPONDENT

Date of Decision : 09-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court

Citation : (2018) 02 MAD CK 0254

Hon'ble Judges : M.S.Ramesh

Bench : Single Bench

Advocate : G.Ravi Kumar, Kritika Kamal.P

Final Decision : Allowed

Judgement

1. This petition is filed seeking a direction to the second respondent to register a case based on the petitioner's compliant dated 01.08.2018 and investigate the case .

2. By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3. The grievance of the petitioner is that inspite of a complaint given by him on 01.08.2018 to the respondents, 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.

4. The respondents are 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.

5. In the result, the petitioner is directed to give a copy of the complaint dated 01.08.2018 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.

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. In the result, the Criminal Original Petition is allowed with the above directions.