

LEGALFOXES LAW TIMES

CASE COMMENTARY

- Advocate Ruchi Kaushik

Lalita Kumari v/s Govt.of U.P & others

•12 Nov 2013

•Bench- P.Sathasivam

B.S.Chauhan

Ranjan Prakash Desai

Ranjan Gogai

S.A.Bobde

In the Supreme Court of India

Original jurisdiction Criminal Writ Petition

Lalita Kumari(Petitioner)

V/S

Govt.of U.P& ors(Respondents)

Brief Facts-

In this matter issue was that a police officer was bound to register a First information report after receiving any information relating to the commission of a Cognizable offense u/s 154 of crpc.

According to the section 154 of crpc the police officer has the power to conduct the Preliminary inquiry in order to test the veracity of such information.

In this case a writ petition under article 32 of the Constitution has been filled by father of Lalita Kumai (minor girl) Shri Bhola Kamat , as her daughter was kiddned for the issuance of writ petition Habeas corpus.

The grievance in the said writ petition is that on 11.05.2008 a written report was submitted by the petitioner before the officer in charge of the concerned police station but they did not take any action on the same.

A two judge bench of this court issued notice to the Union of India and Director General of police if the necessary steps are not taken for the registration of FIR immediately then sufficient cause is shown to the concerned Court.

Arguments –

After hearing councils of the court u/s 154 of crpc, a police officer is bound to register an FIR when a Cognizable offence is made out and police officer has power to conduct Preliminary Inquiry u/s 154 of crpc before registering the FIR.

Directions-

- * Section 154 of crpc relating to Cognizable offences
- * Every information relating to the commission of of the Cognizable offence if given orally then it is the duty of the police officer to reduce it into writing.
- *A copy must be given to the informant.
- *Any investigation which is done by police officer shall not be questioned on any stage.

Guidelines: –

Answering the question in the Lalita Kumari case framed 8 guidelines.

1. The bench ruled that registration of an FIR is mandatory u/s 154 crpc.
2. No preliminary is permissible in serious and heinous offences.
3. Police officer can not avoid his duty.
4. Action must be taken erring officer who do not register the FIR.
5. Court provide the list of such cases which includes Matrimonial/Family disputes/Commercial offences/ where there is any kind of delay in the initiating a criminal case.
6. Preliminary inquiry should be initiated within 7 days.
7. This is the present situation and increasing the time limit 15 days in normal cases and 6 weeks in exceptional cases.
8. A police officer is duty bound to write a FIR in case of relating to a female.