

***\*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.***

***Lalita Kumari vs Govt.Of U.P.& Ors. on 12 November, 2013***

(P. SATHASIVAM)**CJI.**, DR. B.S. CHAUHAN J., RANJANA PRAKASH DESAI J., RANJAN GOGOI J., S.A. BOBDE J.)

The Court referred following judgments:

[State of Haryana vs. Bhajan Lal](#) 1992 Supp. (1) SCC 335,  
[Ramesh Kumari vs. State \(NCT of Delhi\)](#) (2006) 2 SCC 677,  
[Parkash Singh Badal vs. State of Punjab](#) (2007) 1 SCC 1.  
[P. Sirajuddin vs. State of Madras](#) (1970) 1 SCC 595,  
[Sevi vs. State of Tamil Nadu](#) 1981 Supp SCC 43,  
[Shashikant vs. Central Bureau of Investigation](#) (2007) 1 SCC 630,  
[Rajinder Singh Katoch vs. Chandigarh Admn.](#) (2007) 10 SCC 69.  
[Lalita Kumari vs. Government of Uttar Pradesh & Ors.](#) (2012) 4 SCC 1  
[B. Premanand and Ors. vs. Mohan Koikal and Others](#) (2011) 4 SCC 266,  
[M/s Hiralal Rattanlal Etc. Etc. vs. State of U.P. and Anr. Etc. Etc.](#) (1973) 1 SCC 216 [Govindlal Chhaganlal Patel vs. Agricultural Produce Market Committee, Godhra and Ors.](#) (1975) 2 SCC 482.  
[Ganesh Bhavan Patel and Another vs. State of Maharashtra](#) (1978) 4 SCC 371, [Aleque Padamsee and Others vs. Union of India and Others](#) (2007) 6 SCC 171,  
[Ram Lal Narang vs. State \(Delhi Administration\)](#) (1979) 2 SCC 322  
[Lallan Chaudhary and Others vs. State of Bihar and Another](#) (2006) 12 SCC 229.  
[State of Uttar Pradesh vs. Bhagwant Kishore Joshi](#) (1964) 3 SCR 71,  
[Jacob Mathew vs. State of Punjab & Anr.](#) (2005) 6 SCC 1.  
[H.N. Rishbud and Inder Singh vs. State of Delhi](#) AIR 1955 SC 196,  
[S.N. Sharma vs. Bipen Kumar Tiwari](#) (1970) 1 SCC 653,  
[Union of India vs. Prakash P. Hinduja](#) (2003) 6 SCC 195,  
[Sheikh Hasib alias Tabarak vs. State of Bihar](#) (1972) 4 SCC 773,  
[Ashok Kumar Todi vs. Kishwar Jahan and Others](#) (2011) 3 SCC 758,  
[Padma Sundara Rao \(Dead\) and Others vs. State of T.N. and Others](#) (2002) 3 SCC 533,  
[Mannalal Khatic vs. The State](#) AIR 1967 Cal 478.  
[Mohindro vs. State of Punjab](#) (2001) 9 SCC 581,  
[Munna Lal vs. State of Himachal Pradesh](#) 1992 CrI. L.J. 1558,  
[Giridhari Lal Kanak vs. State and others](#) 2002 CrI. L.J. 2113  
[Katteri Moideen Kutty Haji vs. State of Kerala](#) 2002 (2) Crimes 143.

The Court held:

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.