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POLICE DEPARTMENT KERALA

No.U4/21074/2021/PHQ
POLICE HEADQUARTERS
Kerala, Thiruvananthapuram

Dated 23/04/2021

CIRCULAR No.12/2021

Sub:-Conducting of Preliminary Enquiry (PE) – Revised instructions – Regarding.

Ref:-PHQ Circular No.5/2018, dated 11/04/2018.

Clear instructions were issued to all Officers vide reference cited regarding the mode of conducting a Preliminary Enquiry in a reported incident/complaint. These instructions were issued in the form of a Circular No.5/2018 in compliance of the judgement of the Hon'ble Supreme Court of India in Lalita Kumari vs. Government of Uttar Pradesh [WP(C)No.68/2008].

Recently, while disposing a petition relating to a case, the Hon'ble High Court of Kerala inter-alia has also directed the State Police Chief to give instructions to all Station House Officers (SHOs) in the State to conduct a Preliminary Enquiry before embarking upon the registration of a crime when unusual, unbelievable, inhuman and wild allegations are raised.

In this connection it is hereby mentioned that if a petition is filed before a Police Officer empowered to register a Case, he/she must go through the petition intently and find out whether the allegations are unusual, unbelievable, inhuman or wild. In such cases, he/she must consult the senior officers at least at the level of the SDPO and seek instructions even over telephone. The SDPO concerned, after examining the matter and after taking the approval even by mail or orally, from the DPC concerned will allow registration of a Preliminary Enquiry as per the Circular issued earlier. The Preliminary Enquiry should be completed in time as per the time limit permitted by the Hon'ble Supreme Court, i.e., 30 days from the registration of the Preliminary Enquiry. Only after conducting the Preliminary Enquiry, discovering the fact that a cognizable offence has been committed, FIR should be drawn up. In such a Preliminary Enquiry, the enquiry officer shall not be an officer below the rank of Inspector of Police. If the allegations are too serious and complicated, the SDPO can himself/herself take up the PE on the concurrence of the DPC concerned and conduct the PE in a time bound manner.

The same procedure shall be followed by the SPs of the Crime Branch of the various field offices located in the State.

This Circular is issued in continuation of the Circular No.5/2018, dated 11/04/2018.

(Signature)
23-4-2021
(Loknath Behera IPS)
Director General of Police &
State Police Chief

To
All Officers in List-A/B/C/D

Copy to –DG Prosecution (N/c. of Special GP Sri.Suman Chakravarthi for info.)
All Officers in PHQ/CA to SPC
All Unit Heads/All SDPOs/All SHOs
Stock File

THI:1920/26/04/2021