

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. No.24413 of 2015
and M.P.Nos.1 & 2 of 2015

Kumarasamy

.. Petitioner

Vs

1.State represented by,
The Secretary,
Department of Home,
Fort St.George,
Chennai - 600 009.

2.Smt.Mutharasi,
Superintendent of Police,
Kancheepuram.

3.Mr.Rajendran,
Deputy Superintendent of Police,
Madhuranthakam,
Kancheepuram District.

4.Mr.Manimaran,
Inspector of Police,
G-2, Uthiramerur Police Station,
Uthiramerur,
Kancheepuram District.

5.Mr.Rameshkumar

6.Mr.Ekambaram

7.Mr.Yuvaraj .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent R3 and R4 Police Authorities not to harass the petitioner Kumarasamy and not to perter him to do anything to convert the name in the revenue records pertaining to 88 cents of land in Survey No.876/1B in Malliyenkarunai Village, Uthiramerur Taluk.

For Petitioner
For Respondents

:Mr.P.T.Perumal
:Mr.C.Emalias [R1 to R4]
Additional Public Prosecutor

ORDER

It is seen that on a complaint given by one Yuvaraj, the respondent Police called the petitioner for enquiry. Aggrieved by which, the petitioner has filed this Writ Petition alleging that, the respondent Police are harassing him and asking him to change the revenue records in favour of the defacto-complainant Yuvaraj.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 4.

3. It is seen that, in the Writ Petition, the Police Officers have been arrayed by their name as respondents. On notice, the Inspector of Police, G2 Uthiramerur Police Station is present and produced the case file. On a perusal of the case file, one Yuvaraj has lodged a serious complaint against this petitioner, which is under enquiry. This petitioner had appeared before the Police on 13.07.2015 and gave a written undertaking that he will produce certain documents for enquiry on 23.07.2015. Again on 26.07.2015, this petitioner had given a written communication to the Police stating that, he is under treatment and that he will report again on 05.08.2015 to give the documents that are sought by the Police. After which, he had issued a legal notice dated 29.07.2015 to the Police Officers alleging that they are harassing him.

4. In *Lalita Kumari vs. Govt. of U.P. & others* [2013 (4) Crimes 243 (SC)], the Hon'ble Supreme Court has held that when a complaint is given, the Police can conduct preliminary enquiry in certain matters before registering an F.I.R. In a case of this nature, the Police were conducting preliminary enquiry to find out if the accusation of the defacto-complainant is right before registering an FIR against this petitioner, so that, much embarrassment to the petitioner can be averted. This is being resented by the petitioner as it could be seen from the legal notice he had issued to the Secretary, Home Department and other officials.

5. It is the case of the respondent Police that the petitioner is not producing the documents that are required for enquiry and instead he is making such allegations that they are harassing him. In view of the above conduct of the petitioner, it is open to the respondent to file an F.I.R. against the petitioner.

6. In view of the aforesaid direction, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

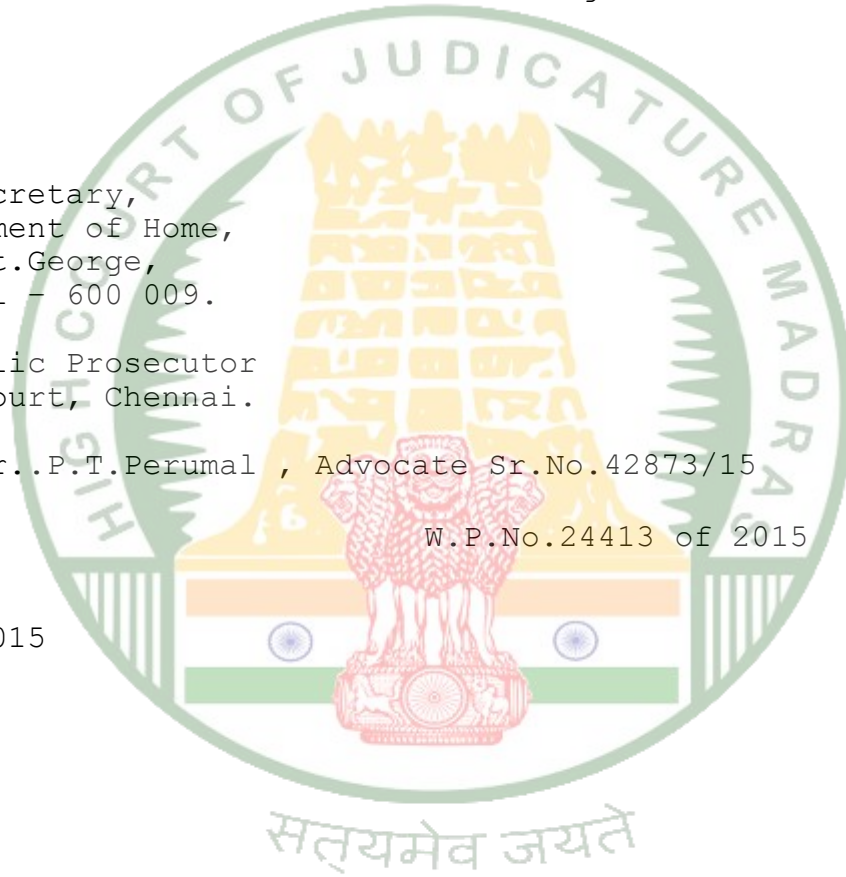
1. The Secretary,
Department of Home,
Fort St.George,
Chennai - 600 009.

2.The Public Prosecutor
High Court, Chennai.

1 cc to Mr..P.T.Perumal , Advocate Sr.No.42873/15

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