

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.15537 of 2016

1.V.K.Shankar
2.V.K.Shanthakumari
3.S.Nityakalyani Petitioners/Petitioners

Vs

- 1.State Rep. by
The Commissioner of Police,
Chennai City Police,
No.132, Commissioner of Police
Office Building,
E.V.K.Sampath Salai,
Vepery, Chennai - 600 007.
2. The Joint Commissioner of Police-East
Chennai City Police,
Old Commissioner of Police Office Building
Pantheon Road, Egmore, Chennai - 600 008.
3. Ravi Kumar
Inspector of Police - law and Order
E-1, Mylapore Police Station,
Mylapore, Chennai - 600 004. Respondents/Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the third respondent not to harass the petitioners.

For Petitioners :Mr.D.Vijayababu

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the third respondent not to harass the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. On a complaint lodged by one Selvi, the respondent police has conducted enquiry in CSR No.572 of 2016.

4. The learned counsel for the petitioners submitted that the matter is purely a civil dispute and the police is unnecessarily harassing the petitioners.

5. When a complaint is given, the duty of the respondent police is to enquire the complaint as per the law laid down by the Hon'ble Supreme Court in Lalita Kumari v. Government of Uttarpradesh and Others reported in (2014) 2 SCC 1, by calling both the parties.

6. Under such circumstances, blanket order of 'not to harass' cannot be passed. The petitioners shall co-operate for the enquiry and during the course of enquiry, they shall not be harassed. However, if any cognizable offence is made out, this order would not be a shield against the arrest of the accused.

With this observation, this criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Commissioner of Police,
Chennai City Police, No.132, Commissioner of Police
Office Building, E.V.K.Sampath Salai,
Vepery, Chennai - 600 007.

2. The Joint Commissioner of Police-East
Chennai City Police,
Old Commissioner of Police Office Building
Pantheon Road, Egmore, Chennai - 600 008.

3. Ravi Kumar, Inspector of Police - law and Order
E-1, Mylapore Police Station,
Mylapore, Chennai - 600 004.

4. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.A.Rajeshkanna, Advocate, sr.42809

1 cc to Mr.D.Vijaya Babu, Advocate, sr.42828

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