

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.24733 of 2018

Arun
S/o.M.Elias Aronraj

... Petitioner

vs

1.The Commissioner of Police,
Greater of Chennai,
Vepery,
Chennai - 600 007.

2.The Assistant Commissioner of Police,
Anna Nagar Range,
K.4 Police Station,
Chennai.

3.The Inspector of Police,
K.4 Police Station,
Anna Nagar,
Chennai.

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, seeking a direction to the respondents 2 and 3 not to harass the petitioner.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents 2 and 3, not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police would submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.Nos.60 and 73 of 2018, on the file of the 3rd respondent police.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, third respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

6.With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater of Chennai,
Vepery,
Chennai - 600 007.

2.The Assistant Commissioner of Police,
Anna Nagar Range,
K.4 Police Station,
Chennai.

3.The Inspector of Police,
K.4 Police Station,
Anna Nagar,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.24733 of 2018

VGII(CO)
GSP(29/11/2018)