

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.25674 of 2018

G.Siva Kumar

... Petitioner

-vs-

1.The Commissioner of Police,
Salem,
Salem District,

2.The Inspector of Police,
Town Police Station,
Salem City,
Salem District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents and his subordinates not to harass the petitioner in the name of the enquiry without due process of law.

For Petitioner :Mr.M.Sathish Kumar

For Respondents:Mr.C.Raghavan

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents and his subordinates not to harass the petitioner in the name of the enquiry without due process of law.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Crl. Side) for the respondents.

3.The learned Government Advocate (Crl. Side) appearing for the respondents police submits that on the complaint given by the petitioner, petition enquiry is pending in CSR.No.329 of 2018 on the file of the respondents police.

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of 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, respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Commissioner of Police,
Salem,
Salem District,

2. The Inspector of Police,
Town Police Station,
Salem City,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.25674 of 2018

RK(CO)
EU(12/12/2018)

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