

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.26084 of 2018

G.Srinivasan

... Petitioner

-vs-

1.The Inspector of Police (Crime),
C.1, Katoor Police Station,
Gandhipuram,
Coimbatore-12.

2.The Commissioner of Police,
Police Commissioner Office,
Husur Road,
Coimbatore.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent not to harass the petitioner.

For Petitioner : M/s.Shivakumar and Suresh

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondent not to harass the petitioner.

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 defacto complainant/petitioner, petition enquiry is pending in CSR.No.1106 of 2018 on the file of the first respondent police.

5.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 respondent proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Inspector of Police (Crime),
C.1, Katoor Police Station,
Gandhipuram,
Coimbatore-12.

2. The Commissioner of Police,
Police Commissioner Office,
Husur Road,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.26084 of 2018

SS(CO)
CS/10/12/2018