

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.26952 of of 2018

S.Balasubramanian

...Petitioner

Vs.

1.The Inspector of Police,
H-1, Vannarapet Police Station,
Vannarapet, Chennai

2.Karan Singh Prohit
3.Gayathri

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to directing the respondents not to harass the petitioner except under due process of law.

For Petitioner :Mr.P.Ayyaswamy

For R.1 :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner under the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the first respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.674/2018 on the file of the first respondent 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,

first 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.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
H-1, Vannarapet Police Station,
Vannarapet, Chennai

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Ayyaswamy, Advocate, S.R.No.80773

Cr1.O.P.No.26952 of 2018

rrs 11/12/2018



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