

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26694 of 2018

S.Vijaykumar

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Adyar,
Chennai - 600 041.
2. The Inspector of Police, (Law and Order)
J-4, Kotturpuram Police Station,
Chennai - 600 085.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner by way of false case against him.

For Petitioner : Mr.M.Shreedhar

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner by way of false case against him.

2. Heard learned counsel appearing 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 against the petitioner, petition enquiry is pending before the 2nd respondent in C.S.R. No.677 of 2018 on the file of the second 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, second 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 closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Assistant Commissioner of Police,
Adyar,
Chennai - 600 041.
2. The Inspector of Police, (Law and Order)
J-4, Kotturpuram Police Station,
Chennai - 600 085.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Shreedhar, Advocate, S.R.No.78257

RSK(CO)
SSM(11/12/2018)

CrI.O.P.No.26694 of 2018

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