

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.11.2018

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26710 of 2018

N.Rajaram

... Petitioner

-vs-

The Inspector of Police (Crimes)
Royapettah Police Station,
Royapettah, Chennai 600 014.
(Crime No. "Not Known" of 2017)

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code to direct the respondent police, not to harass the petitioner under the guise of investigation without adopting the procedure laid down by law.

For Petitioner : Mr.K.A.Mariappan

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police, not to harass the petitioner under the guise of investigation without adopting the procedure laid down by law.

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

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that on the complaint given by the defacto complainant/petitioner, petition enquiry is pending in CSR.No.121 of 2017 on the file of the 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,

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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

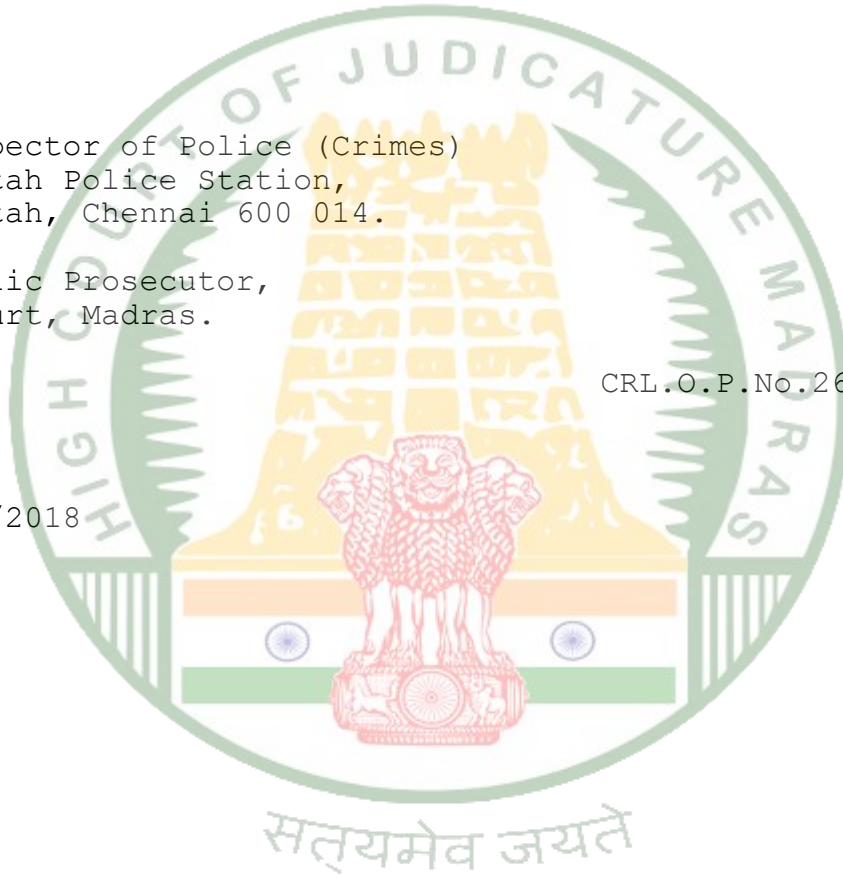
1. The Inspector of Police (Crimes)
Royapettah Police Station,
Royapettah, Chennai 600 014.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.26710 of 2018

KJ(CO)

rrs 13/12/2018



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