

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26784 of 2018

G.Anburaj

.. Petitioner

-vs-

State Rep. By

1.The Deputy Commissioner of Police,
Traffic, East District,
Anna Salai, Chennai-600 002.

2.The Assistant Commissioner of Police,
Mylapore Range,
Chennai-600 004.

3.The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai-600 028.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioner upon his own complaint dated 17.10.2018.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mr.C.Raghavan
Govt. Advocate (Cr. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondents not to harass the petitioner upon his own complaint dated 17.10.2018.

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

3.The learned Government Advocate (Criminal Side) appearing for the respondents submits that on the complaint given by the petitioner, petition enquiry is pending in CSR.No.410 of 2018 on the file of the third respondent police.

4.The petitioner is directed to co-operate 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, third 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(AS)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Traffic, East District,
Anna Salai, Chennai-600 002.

2.The Assistant Commissioner of Police,
Mylapore Range,
Chennai-600 004.

3.The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai-600 028.

4.The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to Mr.M.Anandaraj, Advocate SR.No.78568

CRL.O.P.No.26784 of 2018

BS(CO)
CSL/03.12.2018