

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26798 of 2018

1.Selvapandiyan
2.Panbu
3.Vimal
4.Aravindan
5.Selvam
6.Madhan

... Petitioners

Vs.

The Inspector of Police,
Town Police Station,
Vaniyambadi,
Vellore District.
(Crime No.Not Known of 2018)

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioners in respect of Crime No.Not Known of 2018 on the file of the Respondent Police.

For Petitioners : Mr.D.A.Sugumar

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.side)

For Intervenor : Mr.V.Prabhu

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioners in respect of Crime No.Not Known of 2018 on the file of the Respondent Police.

2. Heard learned counsel appearing for the petitioners 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 S.Vilvanathan against the petitioners, petition enquiry is pending in C.S.R. No.86 of 2018 on the file of the respondent Police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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, the respondent is free to register an FIR and this order shall not be a shield for the petitioners 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 IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Town Police Station,
Vaniyambadi,
Vellore District.

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

+lcc to Mr.D.A.Sugumar, Advocate sr.no.78730

+lcc to Mr.VPrabhu, Advocate sr.no.79225

CrI.O.P.No.26798 of 2018

nr 06/12/2018