

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CrI.O.P.No.27388 of 2018

Jagan

...Petitioner

Vs.

The State rep. By
The Inspector of Police (Crimes),
S-5 Pallavaram Police Station,
GST Road, Pallavaram,
Chennai-600 043.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent not to harass the petitioner under the guise of enquiry.

For Petitioner :Mr.T.Velumani

For Respondent :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police 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 respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by one Shanmugaraja against the petitioner, complaint is pending 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 direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
S-5 Pallavaram Police Station,
GST Road, Pallavaram,
Chennai-600 043.

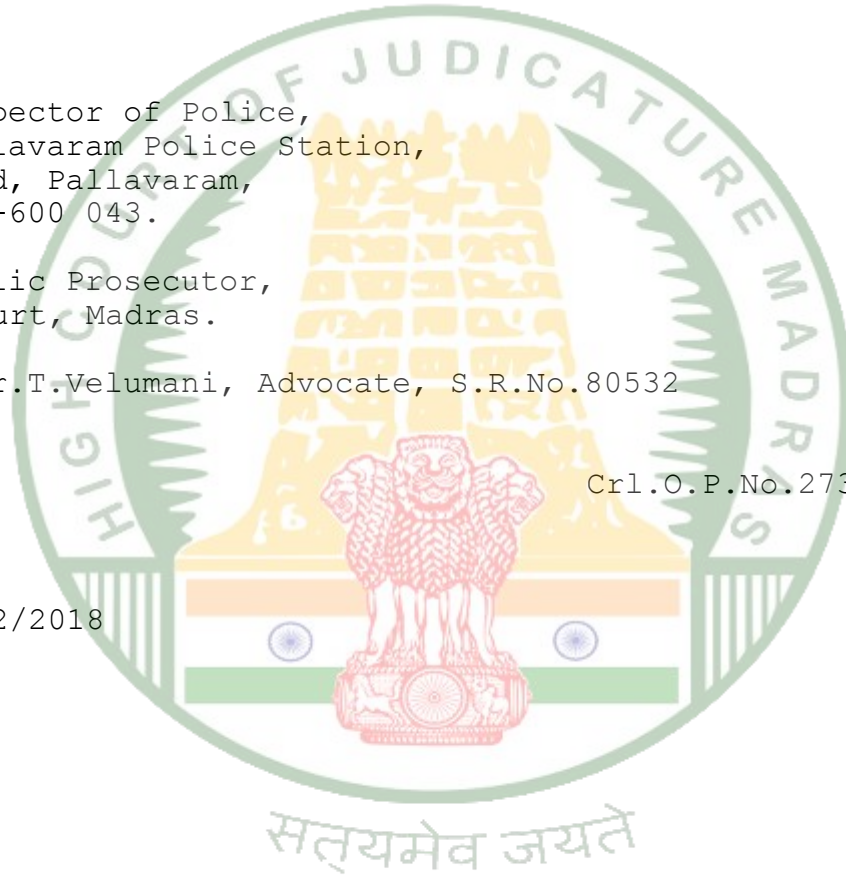
2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Velumani, Advocate, S.R.No.80532

Crl.O.P.No.27388 of 2018

MP(CO)

rrs 13/12/2018



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