

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26973 of 2018

V.Mani

...Petitioner

Vs.

1.State represented by
The Inspector of Police,
Tambaram Police Station,
Tambaram, Chennai.

2.K.Latha

3.Karuppaiah

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to directing the first respondent not to harass the petitioner based on the alleged complaint given by the second respondent .

For Petitioner :M/s.C.Mohanraj
For R-1 :Mr.C.Raghavan
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner based on the alleged complaint given by the second respondent.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate(Crl.side) for the first respondent.

3. The learned Government Advocate(Crl.side) appearing for the first respondent police submits that on the complaint given by the defacto complainants against the petitioner, petition enquiry is pending in C.S.R.No.332 of 2018 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, first 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, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
Tambaram Police Station,
Tambaram, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.D.Suresh, Advocate Sr.No.79345

CSL/30.11.2018

सत्यमेव जयते

Cr1.O.P.No.26973 of 2018

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