

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27051 of of 2018

M.Raja

...Petitioner

Vs.

1.State represented by
The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police (L & O),
H-2, Kuduvancheri Police Station,
Kuduvancheri,
Kancheepuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to directing the 2nd respondent police not to harass the petitioner on the false complaint of the said Jayaprakash.

For Petitioner :Mr.K.Kannan

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent 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 respondents police submits that on the false complaint given by one Jayaprakash against the petitioner, petition enquiry is pending in C.S.R.No.532/2018 on the file of the second 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, second 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.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

rpl
To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Inspector of Police (L & O),
H-2, Kuduvancheri Police Station,
Kuduvancheri,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.R. Dhillip Kumar, Advocate sr 80534.
+2 Ccs to Mr.K.Kannan, Advocate sr 80219.

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VBA(CO)
SP(27/11/2018)