

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.27232 of 2018

E.Ganesh

.. Petitioner

-vs-

State Rep. By

1.The Commissioner of Police,
Chennai Metro City, Vepery,
Chennai-07.

2.The Inspector of Police,
K-9, Thiru.vi.ka.Nagar Police Station,
Chennai-82.

3.M.Mallika Mathimaran

4.Mathimaran

5.Ramalakshmi

6.Parameswaran

7.Selvi Sangeetha

8.Sudha

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, directing the second respondent not to harass the petitioner on the petitioner representation dated 19.11.2018.

For Petitioner : Mr.T.V.C.Katheeban

For Respondents : Mr.M.Mohamed Raiyaz for R1 & R2
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction, directing the second respondent not to harass the petitioner on the petitioner representation dated 19.11.2018.

2.Heard learned Counsel 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 the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.731 of 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Chennai Metro City, Vepery,
Chennai-07.

2.The Inspector of Police,
K-9, Thiru.vi.ka.Nagar Police Station,
Chennai-82.

3.The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.T.V.C.Katheeban,Advocate SR.No. 79980

CRL.O.P.No.27232 of 2018

ASK(11/12/2018)