

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27266 of 2018

Arun Kumar

... Petitioner

Vs.

1. The Commissioner of Police,
O/o The Commissioner of Police,
Greater ChennaiCity,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents not to harass the petitioner without following the due process of law.

For Petitioner : Mr.B.Francis Xavier

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

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents not to harass the petitioner without following the due process of law.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given against the petitioner, petition enquiry is pending in C.S.R. No.184 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, 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 closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Commissioner of Police,
O/o The Commissioner of Police,
Greater Chennai City, Vepery, Chennai - 600 007.
2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.27266 of 2018

CSL/06.12.2018