

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.27393 of of 2018

M.Vimalraj

...Petitioner

Vs.

1.The Deputy Commissioner of Police,
St.Thomas Mount Police Station Limit
At St.Thomas Mount
Chennai-600 016.

2.The Inspector of Police,
All Women Police Station,
Alandur,
Chennai-600 016.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents not to harass the petitioner based on the false complaint lodged by Mrs.Betsy Felicia the defacto complainant dated 17.11.2018 under the guise of enquiry.

For Petitioner :Mr. T.Ramachandran

For R.1 :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the respondents 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 respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.1354/2018 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.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rpl

To

1.The Deputy Commissioner of Police,
St.Thomas Mount Police Station Limit
At St.Thomas Mount
Chennai-600 016.

2.The Inspector of Police,
All Women Police Station,
Alandur,
Chennai-600 016.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ramachandran, Advocate SR.No.80164

Cr1.O.P.No.27393 of 2018

SSD(CO)
GMY(13/12/2018)