

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27586 of 2018

J.Jeya Anand

...Petitioner

Vs.

1. The Inspector of Police,
H-5, New Washermanpet,
Police Station,
Chennai.

2. The Sub-Inspector of Police,
H-5, New Washermanpet,
Police Station,
Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents police not to harass the petitioner under the guise of enquiry.

For Petitioner :Mr.Yasar Arafath

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

O R D E R

This Criminal Original Petition has been filed to direct the respondents police 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.423 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

//True Copy//

Sub Assistant Registrar

vsg1/ia

To

1. The Inspector of Police,
H-5, New Washermanpet,
Police Station, Chennai.
2. The Sub-Inspector of Police,
H-5, New Washermanpet,
Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Yasar Arafath, Advocate, S.R.No.81698

vsnii(co)
cs/19/12/2018

CrI.O.P.No.27586 of 2018

WEB COPY