

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28820 of 2018

Jose @ Joshuva

.. Petitioner

-vs-

STATE represented by
The Inspector of Police,
Dl-Ramanathapuram,
Coimbatore District.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent Police not to harass the petitioner or his family members under the guise of enquiry otherwise.

For Petitioner : Mr.M.Arun

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Respondent Police not to harass the petitioner or his family members under the guise of enquiry otherwise.

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.No.74(G)IS/2018 Dated 11.07.2018 on the file of the respondent police.

5.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, 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.

6. With the above directions, the Criminal Original Petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

ssr/rka

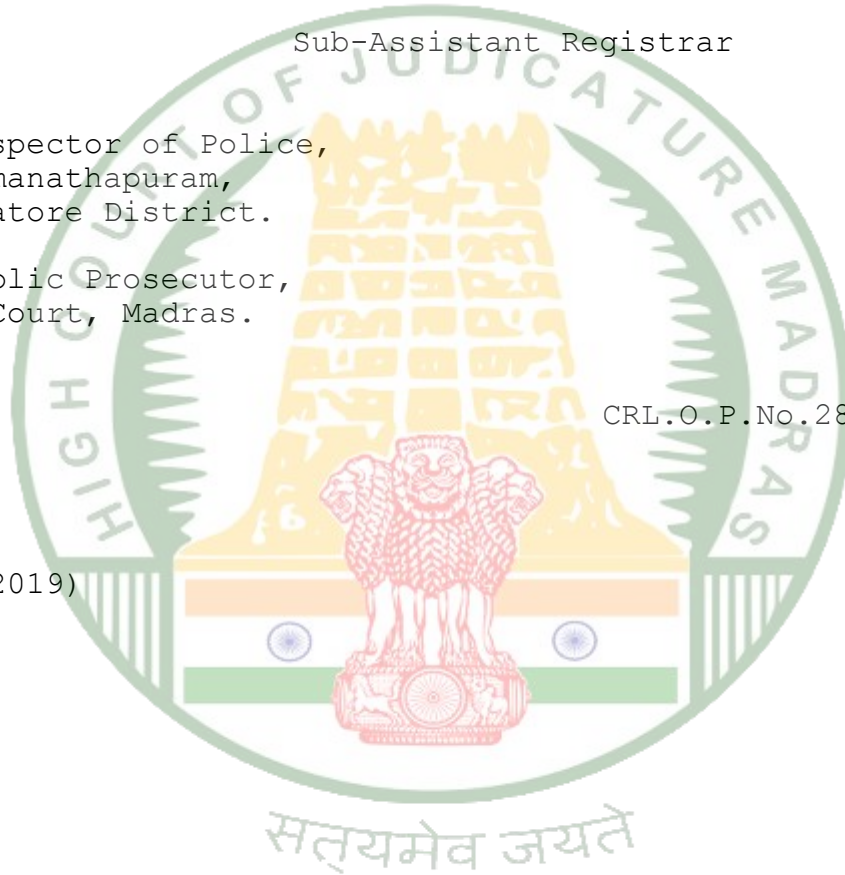
To

1. The Inspector of Police,
D1-Ramanathapuram,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.28820 of 2018

SP(23/01/2019)



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