

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28853 of 2018

Helen Elizabeth Amirthakumari

... Petitioner

Vs.

1. State rep by The Commissioner of Police,
(Greater Chennai)
Commissioner Office,
Vepery,
Chennai-07.

2. State rep by The Inspector of Police,
E-2, Royapettah Police Station,
Royapettah, Chennai - 14

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioner on Blanket of enquiry in CSR.No.Not known/2018 on the file of 2nd respondent police in the guise of enquiry.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner on Blanket of enquiry in CSR.No.164/2018 on the file of 2nd respondent police in 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 against the petitioner, petition enquiry is pending in C.S.R. No.164 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, 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

//True Copy//

Sub Assistant Registrar

ssr/rka

To

1. The Commissioner of Police,
(Greater Chennai)
Commissioner Office,
Vepery,
Chennai-07.
2. The Inspector of Police,
E-2, Royapettah Police Station,
Royapettah, Chennai - 14
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.L.Infant Dinesh, Advocate, S.R.No.85313

Cr1.O.P.No.28853 of 2018

PPA(CO)
SSM(07/01/2019)