

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.28896 of 2018

Mr.V.Nagaraj

.. Petitioner

-VS-

State Represented by Inspector of Police,
H-8, Thiruvatriyur Police Station,
Chennai

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent not to harass the petitioner in the Blanket of enquiry in CSR No. not known /2018 on the file of respondent police.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2. It is seen from the records that there is a money dispute between the petitioner and the defacto complainant. If on enquiry, the respondent police is satisfied that the dispute involved is a

money dispute between the parties, he shall relegate the parties before the appropriate Civil Court.

3. 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 the Hon'ble Supreme Court of India in the case of ***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.

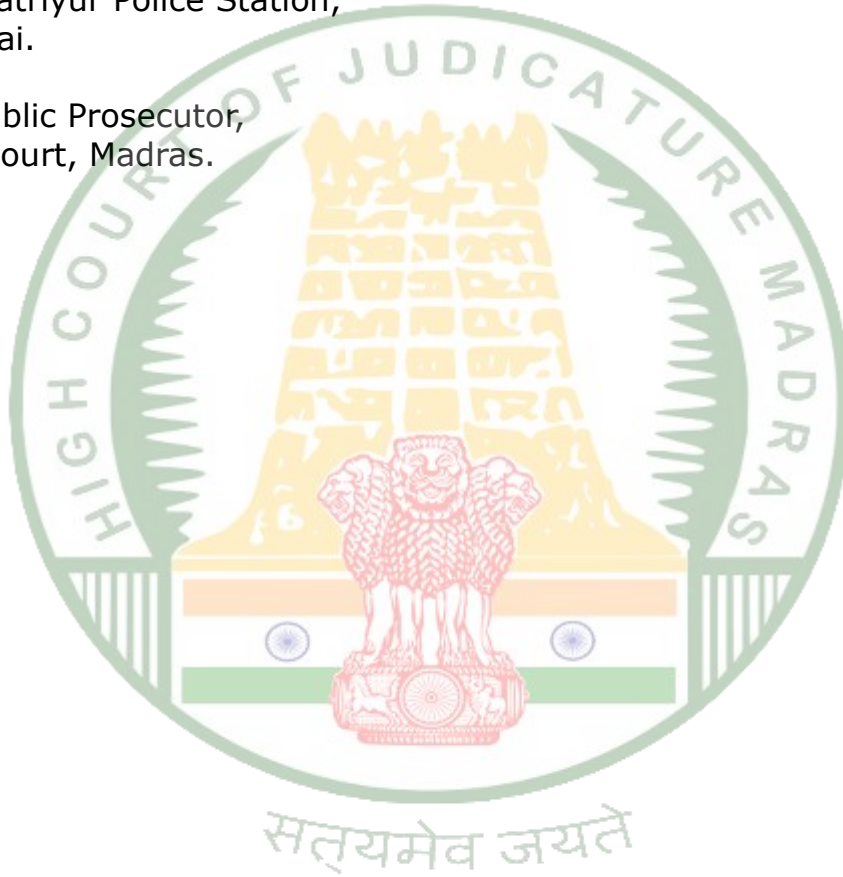
4. This Criminal Original petition is disposed of with the above directions.

11.12.2018

Index : Yes/No
Internet: Yes/No
rka/ssr

To

- 1.The Commissioner of Police,
Chennai.
- 2.The Inspector of Police,
Thiruvatriyur Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J.

rka



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