

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29261 of 2018

Tabrezuddin

... Petitioner

Vs.

1. The Commissioner of Police,
The Greater Chennai Police Station,
Vepery, Chennai.

2. The Inspector of Police,
D1-Triplicane Police Station,
Triplicane, Chennai.

... Respondents

PRAYER:

Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents / police not to harass the petitioner.

For Petitioner : Mr.N.Edwin Jeyakumar

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

ORDER

This Criminal Original Petition has been filed to direct the respondents / police not to harass the petitioner.

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 would submit that on the complaint against the petitioner, petition enquiry is pending before 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 closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nmm/dss

To:

1. The Commissioner of Police,
The Greater Chennai Police Station,
Vepery, Chennai.
2. The Inspector of Police,
D1-Triplicane Police Station,
Triplicane, Chennai.
3. The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.N.Edwin Jeyakumar, Advocate, S.R.No.87562

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CS/09/01/2019

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