

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29052 of 2018

Kandhaswami.M.J.

... Petitioner

Vs.

The Inspector of Police,
Milk Colony Police Station,
Madhavaram, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondent police to refrain from harassing the petitioner in the grab of investigation.

For Petitioner : Mr.J.Srinivasan

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

O R D E R

This Criminal Original Petition has been filed seeking for direction to the respondent police not to harass the petitioner.

2.Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

3. It is seen from the records that the property dispute pending between the parties. The parties will have to agitate the same only before the competent Civil Court. The respondent police shall not interfere with the dispute and shall not harass the petitioner in the name of enquiry. 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.

4. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1.The Inspector of Police,
Milk Colony Police Station,
Madhavaram, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Srinivasan, Advocate sr.no.85962

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nr 09/01/2019