

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29166 of 2018

M/s.Consolidated Construction Consortium Limited,
Represented by its
Authorized Signatory,
S.Raghavendran,
No.5, 2nd link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004.

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai - 600 007.

2.Senthil Murugan,
Inspector of Police (Crime),
El Mylapore Police Station,
Chennai - 600 004.

3.Alex,
The Sub Inspector of Police (Crime),
El Mylapore Police Station,
Chennai - 600 004.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to take appropriate action against the second and third respondents and further direct the second and third respondents not to harass the petitioner Company and its officials.

For Petitioner :Mr.S.Karthikei Balan
For R1 :Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking for a direction to direct the first respondent to take appropriate action against the second and third respondents and further direct the second and third respondents not to harass the petitioner Company and its officials.

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

3.The learned Counsel appearing for the petitioner submits that the second and third respondents police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in C.S.R.No.862 of 2018.

5.The petitioner is directed to co-operate 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 petitioners against the respondent proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1.The Commissioner of Police,
Chennai - 600 007.

2.The Inspector of Police (Crime),
E1 Mylapore Police Station,
Chennai - 600 004.

3.Sub Inspector of Police (Crime),
E1 Mylapore Police Station,
Chennai - 600 004.

4.The Public Prosecutor,
High Court, Madras.

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SJ(CO)
GSP(22/01/2019)