

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29257 of 2018

Kathiravan

... Petitioner

Vs.

- 1.The Director General of Police,
Radhakrishnan road, Mylapore,
Chennai - 600 004.
- 2.The Inspector general of Police,
Western range,
No.249, Race course,
Coimbatore - 641 018.
- 3.The Superintendent of Police,
Vahab nagar, Krishnagiri - 635 001.
- 4.The Deputy Superintendent of Police,
Krishnagiri (Sub Division),
Krishnagiri.
- 5.Gowri Kamatchi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction, directing the third and fourth respondent no to harass the petitioner, based on complaint given by the fifth respondent.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.M.Mohamed Riyaz
1 to 4 Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to issue a direction, directing the third and fourth respondent no to harass the petitioner, based on complaint given by the fifth respondent.

2. Heard learned counsel appearing for the petitioner and

learned Additional Public Prosecutor for the first to fourth respondents.

3. The learned Additional Public Prosecutor appearing for the first to fourth respondents police would submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in Ref.No.109 of 2018 dated 26.10.2018 on the file of the fourth 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, fourth 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 Director General of Police,
Radhakrishnan road, Mylapore,
Chennai - 600 004.
- 2.The Inspector general of Police,
Western range,
No.249, Race course,
Coimbatore - 641 018.
- 3.The Superintendent of Police,
Vahab nagar, Krishnagiri - 635 001.

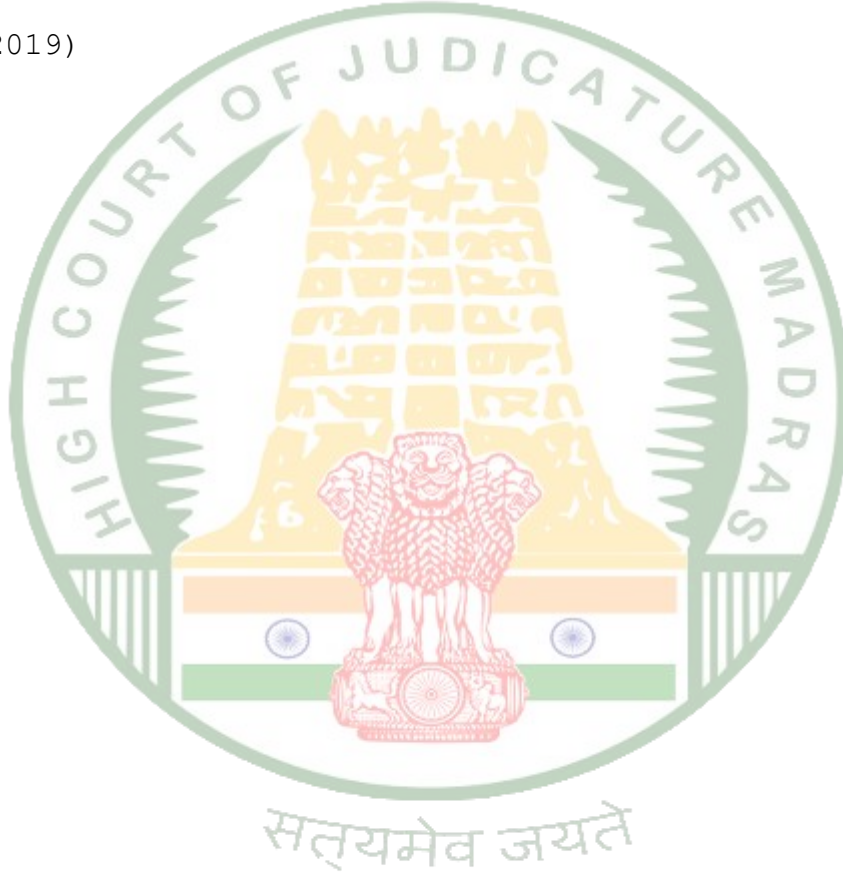
4.The Deputy Superintendent of Police,
Krishnagiri (Sub Division),
Krishnagiri.

5.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No. 86820

Crl.O.P.No.29257 of 2018

GN(08/01/2019)



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