

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29631 of 2018

P.Acharya

... Petitioner

Vs.

1.The Inspector of Police
T-8, Muthapudupet Police Station,
Chennai.

2.The Commissioner of Police,
Veppery, Chennai.

3.T.Vanthanam

4.A.Isaiyya

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents for not to harass the petitioner, and not to disturb the Petitioner.

For Petitioner :Mr.S.Ramajayam

For R1 & R2 :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner.

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

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

4.The learned Additional Public Prosecutor appearing for the

first and second respondent police submits that on the complaint given by the 3rd respondent against the petitioner, petition enquiry is pending in C.S.R.No.281 of 2018 on the file of the first and second respondents.

5.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, 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 Inspector of Police
T-8, Muthapudupet Police Station,
Chennai.

2.The Commissioner of Police,
Veppery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ramajayam, Advocate, S.R.No.89006

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SJ(CO)
GSP(21/01/2019)