

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29515 of 2018

1.C.Ganesan

2.G.Vivek

... Petitioners

Vs.

1.The Deputy Commissioner of Police,
Madhavaram Range,
Madhavaram,
Chennai.

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

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent herein not to harass the petitioners at the instance of the alleged false and frivolous complaint lodged by the defacto complainant.

For Petitioners : Mr.R.Dhanasekar

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

ORDER

This Criminal Original Petition has been filed to direct the first respondent herein not to harass the petitioners at the instance of the alleged false and frivolous complaint lodged by the defacto complainant.

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 police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R. No.560 of 2018 on the file of the second respondent police.

4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsg1/ia

To

1.The Deputy Commissioner of Police,
Madhavaram Range,
Madhavaram,
Chennai.

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

3.The Public Prosecutor,
Madras High Court,
Madras.

+1 CC to Mr.P. Dhanasekar, Advocate sr 87837.

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SVN(CO)
SP(23/01/2019)