

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29635 of 2018

1.P.Selvakumar
2.Selvam

.. Petitioners

-vs-

1.The State Rep. by
The Inspector of Police
District Crime Branch,
Ariyalur.

2.The Superintendent of Police,
District Police Office,
Ariyalur.

3.The Inspector General of Police,
Military Quarters,
Alandur, Chennai-600 016.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent, not to harass the petitioner under the guise of investigation pertaining C1/20217/18 C.No.11/DCB/SP/ACR/2018.

For Petitioner : Mr.R.Anburaj

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of investigation pertaining C1/20217/18 C.No.11/DCB/SP/ACR/2018.

2.Heard learned Counsel for the petitioners 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 C1/20217/18 C.No.11/DCB/SP/ACR/201,8 on the file of the respondent police.

4.The petitioner is directed to co-operate 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, the first 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The State Rep. by
The Inspector of Police
District Crime Branch,
Ariyalur.

2.The Superintendent of Police,
District Police Office,
Ariyalur.

3.The Inspector General of Police,
Military Quarters,
Alandur, Chennai-600 016.

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.29635 of 2018

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