

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30004 of 2018

Ganesh Kumar

... Petitioner

Vs.

The Inspector of Police,
S12, Chitlapakkam Police Station,
Chitlapakkam,
Chennai - 600 064.
(Crime No. Not known)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner as well as his family members.

For Petitioner :M/s.Nathan and Associates

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

O R D E R

The Criminal Original Petition has been filed seeking for direction to the respondent police not to harass the petitioner and his family members.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the first respondent police.

3.The learned Counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by one Rajasekaran against the petitioner, petition enquiry is pending.

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,
S12, Chitlapakkam Police Station,
Chitlapakkam,
Chennai - 600 064.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Nathan and Associates, Advocate, S.R.No.89260

RSV(CO)
SSM(23/01/2019)

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सत्यमेव जयते

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