

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29990 of 2018

Shanmugam

... Petitioner

Vs.

1.The State rep. by
The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2.The State rep. by
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner in C.S.R.No.288 of 2018 on the file of Morappur Police Station, Krishnagiri District.

For Petitioner :Mr.D.Arun
For Respondents:Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

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

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

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

4.The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in C.S.R.No.288 of 2018 on the file of the second respondent police.

5.The petitioner is directed to co-operate 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 Superintendent of Police,
Dharmapuri,
Dharmapuri District. सत्यमेव जयते

2.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.29990 of 2018

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