

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29860 of 2018

Deepak Jain

... Petitioner

Vs.

1.State : The Commissioner of Police,
Chennai City Police,
Vepery,
Chennai - 600 007.

2.State: Inspector of Police,
C-3, Seven Wells Police Station,
Chennai. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner :Mr.D.Gopi Krishnan

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

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner under the guise of enquiry.

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

3.The learned Additional Public Prosecutor appearing for the respondents would submit that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in C.S.R.No.296 of 2018 on the file of the respondent police.

4.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, 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Commissioner of Police,
Chennai City Police,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.D.Gopikrishnan, Advocate Sr.No.88889

SPD(CO)
CSL/24.01.2019

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