

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.223 of 2019

Santhosh

...Petitioner

Vs.

The Inspector of Police,
M-2 Madhavaram Milk Colony Police Station,
Madhavaram Milk Colony,
Chennai-600 051.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent not to harass the petitioner on the basis of the police summon in M2 MMC PS C.S.R.No.562/2018 dated 22.11.2018 pending on the file of the Inspector of Police, M-2 Madhavaram Milk Colony Police Station, Madhavaram Milk Colony Chennai-600 051 and may pass any suitable order.

For Petitioner : Mr.N.Srinivasulu

For Respondent : 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 respondent police not to harass the petitioner on the basis of the police summon.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.562/2018 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, third respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

mpa/rpl

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
M-2 Madhavaram Milk Colony Police Station,
Madhavaram Milk Colony,
Chennai-600 051.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Srinivasulu, Advocate, S.R.No.760

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