

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.441 of 2019

P.A.Jamaludeen

...Petitioner

Vs.

1. State by

The Commissioner of Police,
Vepery,
Chennai 600 007.

2.The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai 600 040.

3.The Inspector of Police,
K.3, Aminjikarai Police Station,
Chennai 600 040

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 3rd respondent not to harass the petitioner in Crime No.not known of 2018 on the file of the 3rd respondent police.

For Petitioner :Mr.M.K.Bhoopathy Rajan

For Respondents :Mr.M.MohamedRiyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent police not to harass the petitioner under guise of enquiry.

2. Heard learned counsel appearing for the petitioner 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 petitioner, petition enquiry is pending in C.S.RR.No.864 of 2018, on the file of the third 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.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

rpl/ay

To

1.The Commissioner of Police,
Vepery,
Chennai 600 007.

2.The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai 600 040.

3.The Inspector of Police,
K.3, Aminjikarai Police Station,
Chennai 600 040

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.K.Bhoopathy Rajan, Advocate sr 3362.

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VGI (CO)
SP(04/02/2019)