

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.01.2019
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. No.705 of 2019

B.Prabavathi

: Petitioner

Vs.

State by
Inspector of Police,
Rayala Nagar Police Station,
Chennai.

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondent not to harass the petitioner compelling her to appear in Crime Number not known of 2019 on the file of respondent police.

For Petitioner : Mr.K.Rajendrakumar

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

ORDER

This Criminal Original Petition has been filed to direct the respondent herein not to harass the petitioner compelling her to appear in Crime Number not known of 2019 on the file of respondent police.

2. Heard learned counsel appearing 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.8 of 2019 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 petitioner against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ia/dss

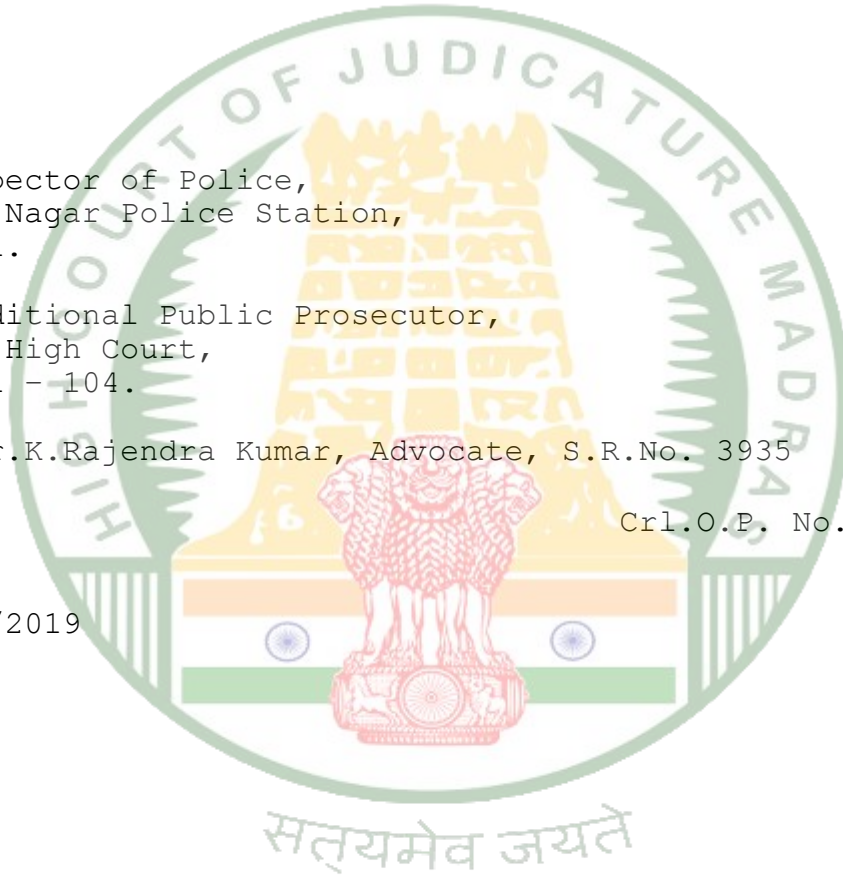
To

- 1.The Inspector of Police,
Rayala Nagar Police Station,
Chennai.
2. The Additional Public Prosecutor,
Madras High Court,
Chennai - 104.

+1cc to Mr.K.Rajendra Kumar, Advocate, S.R.No. 3935

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rrs 04/02/2019



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