

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.940 of 2019
and CrI.M.P.No.623 of 2019

Danial Dhanapal

... Petitioner

-Vs-

1. State rep. by
Inspector of Police,
C5, Orakadam Police Station,
Kancheepuram District.

2. Rajkumar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in summons in C.No.275/SDO/SPR/2018 dated 08.12.2018 issued by the 1st respondent, quash the same.

For Petitioner : Mr.S.Udhayakumar

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the summons in C.No.275/SDO/SPR/2018 dated 08.12.2018, issued by the 1st respondent police.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the 1st respondent.

3.The learned Additional Public Prosecutor appearing for the first respondent Police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.275/SDO/SPR/2018, dated 08.12.2018, on the file of the respondent police.

4.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, the first 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The Inspector of Police,
C5, Orakadam Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Udhaya kumar, Advocate Sr.No.3399

Cr1.O.P.No.940 of 2019
and Cr1.M.P.No.623 of 2019

SKV(CO)
CSL/01.02.2019

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