

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1152 of 2019

S.Baby

...Petitioner

Vs.

State represented by,
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.

Crime No. Not known of 2019

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent to not to harass the petitioner based upon the Crime No. Not known of 2019 on the file of the Inspector of Police, R-2, Kodambakkam Police Station, Chennai.

For Petitioner : Mr.M.Balaji

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 direct the respondent to not to harass the petitioner based upon the Crime No. Not known of 2019 on the file of the Inspector of Police, R-2, Kodambakkam Police Station, Chennai.

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

3. The learned Additional Public Prosecutor The learned Additional Public Prosecutor on instructions would submit that the respondent have received the complaint in C.S.RR.No.16 of 2018, on the file of the Inspector of Police R-2 Kodambakkam Police Station, Chennai.This complaint will be transferred to SP of police Kancheepuram, since it files within the jurisdiction of Kancheepuram.

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.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mpa/ub

To

- 1.The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.
2. The Superintendent of Police, Kancheepuram.
- 3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M.Balaji, Advocate SR.No.3560

GMV (06/02/2019)

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