

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1383 of 2019

1. Santhakumaran

2. Prakash

... Petitioners

-Vs-

1. State rep by its,
The Superintendent of Police,
Vellore District.

2. State rep by its,
The Deputy Superintendent of Police,
Arakkonam, Vellore District.

3. State rep by its,
The Inspector of Police,
Arakkonam Town Police Station,
Vellore District.

.... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the 3rd Respondent police not to harass these petitioners in connection with C.S.R.No.564 of 2018 pending on the file of 3rd Respondent Police.

For Petitioners : Mr.D.Dayalan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 3rd Respondent police not to harass these petitioners in connection with C.S.R.No.564 of 2018 pending on the file of 3rd Respondent Police.

2.Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is

pending in C.S.R.No.564 of 2018 on the file of the respondent police.

4.The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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, respondent is free to register an FIR and this order shall not be a shield for the petitioners 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(CCC)

//True Copy//

Sub Assistant Registrar

ssr/kal
To

1. The Superintendent of Police,
Vellore District.
2. The Deputy Superintendent of Police,
Arakkonam, Vellore District.
3. The Inspector of Police,
Arakkonam Town Police Station,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Dayalan, Advocate, S.R.No.4852

Cr1.O.P.No.1383 of 2019

GSP(1/02/2019)