

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.1377 of 2019

S.Sundara Moorthy

... Petitioner

-Vs-

1. The Commissioner of Police,
Office of the Commissioner,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III,
Vepery, Chennai - 07.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the respondents herein not to harass the petitioner in any manner in guise of enquiry.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents herein not to harass the petitioner in any manner in guise of enquiry.

2.Heard learned Counsel for the petitioner 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 petitioner, petition enquiry is pending in C.No.1509/DC-CCB-II/PE/2018 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, 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(CCC)

//True Copy//

Sub Assistant Registrar

ssr/kal
To

1. The Commissioner of Police,
Office of the Commissioner,
Vepery, Chennai.
2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III,
Vepery, Chennai - 07.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No.4636

Cr1.O.P.No.1377 of 2019

GSP(11/02/2019)

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