

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.1487 of 2019

1.M.Ramachandran

2.M.Lakshmi

3.M.Arumugam

.. Petitioners

-vs-

State by

The Inspector of Police,
District Crime Branch,

O/o. Superintendent of Police,
Tiruvallur, Tirvallur District.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue suitable directions to the respondent police not to harass the petitioners in the guise of registering false case under the provisions of the IPC offences.

For Petitioners : Mr.C.Prakasam

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners in the guise of registering false case under the provisions of the IPC offences.

2.Heard the learned Counsel for the petitioners and the 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.No.184/DCB/TVLR/2018, dated 20.11.2018, on the file of the respondent police.

4.The petitioners are directed to co-operate 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 following the guidelines by the Hon'ble 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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent Police 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

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To

1. The Inspector of Police,
District Crime Branch,
O/o. Superintendent of Police,
Tiruvallur, Tiruvallur District.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.4606

CRL.O.P.No.1487 of 2019

rrs 08/02/2019

सत्यमेव जयते

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