

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 23.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.1531 of 2019

1.Pavankumar
2.Ramasubramaniam ... Petitioners

Vs.

State Rep. By,
The Inspector of Police,
M-3, Kovil Palayam Police Station,
Coimbatore District,
Coimbatore. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioners in the complaint dated 09.11.2018 in C.S.R.No.217 of 2018 pending on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan
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 complaint dated 09.11.2018 in C.S.R.No.217 of 2018 pending on the file of the respondent police.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners dated 09.11.2018 in C.S.R.No.217 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 police 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.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

dss/nmm
To:

1. The Inspector of Police,
M3 Kovil Palayam Police Station,
Coimbatore District,
Coimbatore.

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

+1 CC to Mr. R. Vivekananthan, Advocate sr 5198.

सत्यमेव जयते

Cr1.O.P.No.1531 of 2019

AK (CO)
SP (28/01/2019)

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