

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2244 of 2019

1.K.Kothandapani
2.K.Manivannan

... Petitioners

Vs.

1.State represented by
The Assistant Commissioner of Police,
C-1, Flower Bazaar Police Road,
N.S.C.Bose Road, Chennai 600 001.

2.The Inspector of Police,
C-3, Seven Wells Police Station,
No.145, Amman Koil Street,
George Town, Chennai 600 001.

3.T.A.Balachandran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents not to harass them under the guise of enquiry.

For Petitioners: Mr.K.M.Balaji

For R1 to R2 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents police not to harass the petitioners in the guise of enquiry.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the 1st and 2nd respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one T.A.Balachandran against the petitioners, petition enquiry is pending in C.No.308 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, the second 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mpa/rpl

To

1.The Assistant Commissioner of Police,
C-1, Flower Bazaar Police Road,
N.S.C.Bose Road, Chennai 600 001.

2.The Inspector of Police,
C-3, Seven Wells Police Station,
No.145, Amman Koil Street,
George Town, Chennai 600 001.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.M.Balaji, Advocate sr 6758.

Cr1.O.P.No.2244 of 2019

SP(06/02/2019)