

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 30.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.2302 of 2019

1. N.Junaidha Begum

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai.

2. The Inspector of Police (Crime),
P-2, Otteri Police Station,
Chennai.

3. Mr.Vanamallai

4. Abubakkar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner without due process of law.

For Petitioner : M/s.D.Sreenivasan

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent police not to harass the petitioner based on the complaint dated 02.01.2019 in C.S.R.No.2 of 2019 pending on the file of the respondent police.

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 de-facto complainant against the petitioner dated 02.01.2019 in C.S.R.No.2 of 2019 enquiry is pending on the file of the respondent police.

4. The petitioner is directed to co-operate 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, 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dss

To:

1. The Commissioner of Police,
Chennai.
2. The Inspector of Police (Crime),
P-2, Otteri Police Station,
Chennai.
3. The Additional Public Prosecutor,
Madras High Court.

+1 cc to Mr.D.Sreenivasan, Advocate, S.R.No.8909

SSM(18/02/2019)

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