

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.12171 of 2019

1. M.Balaraman
2. Nagamani ammal

... Petitioners

Vs.

1. State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch,
Kancheepuram District,
at the Campus of Collector's Office,
Kancheepuram.
2. The Deputy Superintendent of Police,
District Crime Branch,
Kancheepuram District,
at the Campus of Collector's Office,
Kancheepuram.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioners in any manner except by due process of law in Crime No.Not known of 2019 on the file of the Inspector of Police, the District Crime Branch, Kancheepuram District at the Campus of Collector's Office, Kancheepuram, under the guise of enquiry/investigation.

For Petitioners : Mr.B.Dayaalan

For Respondents : Mr.C.Raghavan
Government Advocate

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent and his officials not to harass the petitioners in any manner under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) for the respondents.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint given by the respondent, namely G.Mohan against the petitioners, petition enquiry is pending in C.S.R. No.204 of 2018 on the file of the 1st 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, 1st 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 direction, this Criminal Original Petition is closed.

सत्यमेव जयते

03.06.2019

rka

Index: Yes/No

Internet: Yes/No

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N.ANAND VENKATESH.,J
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To

1. The Inspector of Police,
District Crime Branch,
Kancheepuram District,
at the Campus of Collector's Office,
Kancheepuram.
2. The Deputy Superintendent of Police,
District Crime Branch,
Kancheepuram District,
at the Campus of Collector's Office,
Kancheepuram.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12171 of 2019

सत्यमेव जयते

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