

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.11639 of 2019

V.Ebinesar

.. Petitioner/Accused

-vs-

State of Tamil Nadu,
Represented by
Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai-600 014.

.. Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent, not to harass the petitioner in Crime No.Not Known of 2019 on the file of the respondent in the guise of enquiry.

For Petitioner : Mr.J.Janarthanan

For Respondent : Mr.C.Raghavan
Government Advocate (Cr. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in R.C.No.638/COP/VISITORS/2019 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, the 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 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,
D-4, Zam Bazaar Police Station,
Chennai-600 014.

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

+1cc to Mr. J. Janarthanan, Advocate sr.45211

CrI.O.P.No.11639 of 2019

nmi (co)
nr 26/06/2019

सत्यमेव जयते

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