

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2019

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CRL.OP.No.12397 of 2019

Dhamu @ Dhamodaran

... Petitioner

Vs

1.The Commissioner of Police,
O/o.The Police Commissioner,
Greater Chennai, Vepery,
Chennai-7.

2.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai-118. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner on the basis of petitioner representation to the 1st and 2nd respondent dated 30.03.2019.

For Petitioner : Mr.S.Sugendran

For Respondent : Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

ORDER

This petition has been filed seeking for a direction not to harass the petitioner.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that on the complaint given by one Bharathi against the petitioner, petition enquiry is pending in C.S.R.No.337 of 2019 on the file of the second respondent police.

4.The petitioner is directed to cooperate 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 the Hon'ble 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 police is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

With the above directions, the Criminal Original
Petition is closed.

Sd/-

Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
O/o.The Police Commissioner,
Greater Chennai, Vepery, Chennai-7.

2.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai-118.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Sugendran, Advocate Sr.43645

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srg 23/05/2019