

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP No.12716 of 2019

1. Gopi Kumar
2. Rajeshwari

... Petitioners

Vs.

State of Tamil Nadu
Rep. by the Inspector of Police,
E-4, Abiramipuram Police Station,
Chennai.

.... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.PC to direct the respondent police to not to harass the petitioners in the guise of investigation in Crime Number not known on the file of the respondent police.

For Petitioners: Mr.S.Karthikeyan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to not to harass the petitioners in the guise of investigation in Crime Number not known on the file of the respondent police.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.189 of 2019 on the file of the 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 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, second 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. The petitioners have already filed anticipatory bail petition before this Court in CrI.O.P.No.12035 of 2019 and the same has been posted after vacation since there was no C.S.R. pending at the time of filing of the anticipatory bail petition. Therefore, it is made clear that the petitioners shall not be arrested by the respondent police till the anticipatory bail is considered in CrI.O.P.No.12035 of 2019.

6. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

ssr/rsi

To

1. The Inspector of Police,
E-4, Abiramipuram Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Karthikeyan, Advocate, S.R.No.43531

CrI.OP No.12716 of 2019

SSI (CO)
CS/20/05/2019