

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.12712 of 2019

1. Vetrichelvan

2. Sasitha.V

.. Petitioners

-vs-

1.The Commissioner of Police,
Vepery, Chennai.

2. State rep. by:
The Inspector of Police,
R-7, K.K.Nagar Police Station,
(Crime and Law and Order)
Chennai.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioners.

For Petitioners : Mr.S.Sarath Chandran

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

सत्यमेव जयते
ORDER

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

2.Heard learned Counsel for the petitioners 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 defacto complainant against the petitioners, petition enquiry is pending in C.No.245 of 2019 on the file of the first respondent.

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, second respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

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

s/d-
Assistant Registrar(VO)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
R-7, K.K.Nagar Police Station,
(Crime and Law and Order)
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Sarath Chandran, Advocate sr 43542.

GJII(CO)
SP(16/05/2019)

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