

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.13030 of 2019
and
Crl.M.P.No.6664 of 2019

S.Vijay Kumar

.. Petitioner

-vs-

- 1.The Commissioner of Police,
Greater Chennai Police, No.132,
Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Adyar District, Adyar,
Chennai - 600 020.
- 3.Inspector of Police,
J1 Saidapet Police Station, (Crime),
Chennai - 600 015.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the impugned police summons dated 08.05.2019 issued by the 3rd Respondent under Section 160 of the Cr.P.C., quash the same as illegal and arbitrary.

For Petitioner : M/s.L.P.Maurya

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

ORDER

This Criminal Original Petition has been filed seeking to quash the summons No.225/CSR/J1 Crime P.S/2019 dated 08.05.2019 issued by the 3rd respondent police.

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

3.The learned Government Advocate (Criminal Side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in summons No.225/CSR/J1 Crime P.S/2019 dated 08.05.2019 issued by the 3rd 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 respondents are 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.

5.With the above directions, the Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

vs/vv

To

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J1 Saidapet Police Station, (Crime),
Chennai - 600 015.

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

+lcc to M/S. L.P.Maurya, Advocate Sr.45769

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BP(co)
CB(04/07/2019)



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