

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.13714 of 2019

1.R.Sathishkumar
2.N.Rajagopal
3.R.Manimegalai

.. Petitioners

-VS-

1.The City Commissioner of Police,
Office of the City Commissioner,
Vepery,
Chennai-600 007.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Pallavaram,
Chennai-600 043.

3.The Inspector of Police,
Crime Branch,
S-5, Pallavaram Police Station,
Pallavaram,
Chennai-600 043.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass these petitioners herein by appreciating the above stated facts and circumstances.

For Petitioners : Mr.C.S.Loganathan

For Respondents : 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 petitioners in the guise of registering false case.

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

3.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that on the complaint given by one Sathiyapriya against the petitioners, a petition enquiry is pending in C.No.496 of 2019, on the file of the respondent police.

4.The petitioners are directed to co-operate 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 following the guidelines by 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 is free to register an FIR and this order shall not be a shield for the petitioners against the third respondent Police 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 City Commissioner of Police,
Office of the City Commissioner,
Vepery,
Chennai-600 007.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Pallavaram,
Chennai-600 043.

3.The Inspector of Police,
Crime Branch,
S-5, Pallavaram Police Station,
Pallavaram,
Chennai-600 043.

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

+lcc to Mr.C.S.Loganathan, Advocate SR.No.45724

CRL.O.P.No.13714 of 2019

PA (CO)
GMY (27/06/2019)



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