

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14421 of 2019

Venkat

.. Petitioner

-vs-

State represented by:-

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Pallavaram Range, Pallavaram,
Chennai - 600 043.
3. The Assistant Commissioner of Police,
Pallavaram Range,
Pallavaram,
Chennai - 600 043.
4. The Inspector of Police,
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 43.

.. Respondents

Prayer:

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent not to harass the petitioner.

For Petitioner : Mr.A.P.Sathyamurthy

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

WEB COPY
ORDER

This Criminal Original Petition has been filed seeking for a direction to the third respondent not to harass the petitioner in the guise of registering false case.

2.Heard the learned Counsel for the petitioner 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 the defacto complainant against the petitioner, a petition enquiry is pending in CSR.No.701 of 2018, on the file of the fourth 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 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 petitioner against the fourth respondent Police proceeding to take action in accordance with law.

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

Sd/-

Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

av/jas

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Pallavaram Range, Pallavaram,
Chennai - 600 043.
3. The Assistant Commissioner of Police,
Pallavaram Range,
Pallavaram,
Chennai - 600 043.
4. The Inspector of Police,
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 43.

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

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.45648

CRL.O.P.No.14421 of 2019

KJ(CO)
CS/08/07/2019



WEB COPY