

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.14443 of 2019

R.Raja

...Petitioner

-Vs-

State by

The Inspector of Police,
S-1, St. Thomas Mount Police Station,
Chennai 600 016.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents police to keep restrained from harassing the petitioner under the guise of enquiry.

For Petitioner : Mr.K.Venkatachalam

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents police to keep restrained from harassing the petitioner under the guise of enquiry.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of 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.345 of 2018 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, third 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.This Criminal Original Petition is disposed of with a directions.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Inspector of Police,
S-1, St. Thomas Mount Police Station,
Chennai 600 016.

2.The Public Prosecutor,
Madras High Court.

+2cc to M/S.Venkatachalam, Advocate Sr.46560

सत्यमेव जयते

Cr1.O.P.No.14443 of 2019

rsi[co]
srg 19/06/2019

WEB COPY