

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14503 of 2019

D.Karthik

... Petitioner/Accused

-Vs-

1. The Superintendent of Police,
Vellore District.

2. The State rep. by
Inspector of Police,
Katpadi Police Station,
Vellore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent not to harass the petitioner or his family members in the guise of an enquiry in the complaint pending on the file of the 2nd respondent police.

For Petitioner : Mr.S.Pattabiraman

For Respondents : Mr.M.Mohamed Riyaz

Additional Public prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent police not to harass the petitioner or his family members under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.286 of 2019 on the file of the second 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. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka/msrm
To

1. The Superintendent of Police,
Vellore District.
2. The Inspector of Police,
Katpadi Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Pattabiraman, Advocate, Sr.No. 45973

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CSL/05.07.2019

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