

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14523 of 2019

1. Nagarajan
2. Ramadoss

... Petitioners

-Vs-

1. The District Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
B.2, Chinna Kancheepuram -
Vishnu Kancheepuram Police Station,
Kancheepuram,
Kancheepuram District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to consider the representation of the first petitioner dated 05.06.2019, and direct the 2nd respondent not to harass the petitioners 1 & 2 except due process of law to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 1st respondent to consider the representation of the first petitioner dated 05.06.2019, and direct the 2nd respondent not to harass the petitioners 1 & 2 under the guise of enquiry.

2.Heard learned Counsel for the petitioners 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 petitioners, petition enquiry is pending in C.No.1062 of 2019, dated 04.06.2019 on the file of the 2nd respondent police.

4. The petitioners are directed to cooperate 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 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, second respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police,
B.2, Chinna Kancheepuram -
Vishnu Kancheepuram Police Station,
Kancheepuram,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate Sr.46474

Cr1.O.P.No.14523 of 2019

mp[co]
srg 05/07/2019



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