

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.15462 of 2019

Shahul Hameed,M/60,
Son of Kadhar Mohideen Sahib,
residing near Amman Engineering Works,
Kattukottai Pudhur Village,
Vadachennimalai Post,
Attur Taluk, Salem District.Petitioner

Vs.

State rep.by The Sub-Inspector of Police,
Prohibition of Land Grabbing Special Wing,
Salem Nethumedu,
Salem District.Respondent

PRAYER: Criminal Original Petition filed under Section 482 of
Criminal Procedure Code, to direct the respondent police not to
harass the petitioner under the guise of petition enquiry on a
complaint of one M.Seethapathi, son of Madhava Naidu,
Kattukottai, Pudhut, Vadachennimalai, Attur, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.M.Mohamed Riyaz
Additional Government Pleader

ORDER

This petition has been filed seeking to direct the
respondent police not to harass the petitioner under the guise
of petition enquiry on a complaint of one M.Seethapathi, son of
Madhava Naidu, Kattukottai, Pudhut, Vadachennimalai, Attur,
Salem District.

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

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.No.1331 of 2019, 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 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/ub

To

1. The Sub-Inspector of Police,
Prohibition of Land Grabbing Special Wing,
Salem Nethumedu,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Vasudevan, Advocate Sr.49190

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srg 15/07/2019

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