

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15501 of 2019

1.Sri Sakthi

2.Inba Raj

... Petitioners

Vs.

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
V7, Nolambur Police Station,
Chennai.

3.A.S.Ranjith Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 1st respondent to initiate necessary action against the 2nd respondent and to direct the 2nd Respondent not to harass the petitioner, by considering the representation dated 13.06.2019 preferred by the petitioner to the 1st respondent.

For Petitioners: Mr.A.Syed Kaleesha

For Respondents: Mr.M.Mohamed Riyaz (for R1 & R2)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the 2nd respondent to initiate necessary action against the 2nd respondent and to direct the 2nd Respondent not to harass the petitioner, by considering the representation dated 13.06.2019 preferred by the petitioner to the 1st respondent.

2.Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondents Police.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in RT 234296132 IN Rc.No.PG/143/28528/2019,

issued by the 2nd respondent police.

4.The petitioners are directed to co-operate 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, the respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents 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

vs/jas

To

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
V7, Nolambur Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Syed Kaleesha, Advocate, S.R.No. 49287

Cr1.O.P.No.15501 of 2019

BR(CO)
GN(19/07/2019)