

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH
W.P.No.17006 of 2019

M.Venkatesan

...Petitioner

.Vs.

1.Commissioner of Police,
Vepery,
Chennai.

2. The Inspector of Police,
Thirumangalam Police Station,
Chennai.

3. The Inspector of Police,
Central Crime Branch,
Chennai.

4.K.Venkata Sivanaga Kumar ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents or their men or agents or servants or anybody claiming them from interfering with the petitioner's business in any manner whatsoever, except due process of law.

For Petitioner : Mr.A.Ravindranath Jayapal

For R 1 to R3 : Mr.C.Raghavan
Government advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate appearing for the respondents 1 to 3.

3. The learned Government Advocate appearing for the respondent police submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.2635/2019 CCB Land Grabbing Team No.24, on the file of the respondent police.

5.The petitioner is directed to co-operate 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.

6. With the above directions, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Commissioner of Police,
Vepery,
Chennai.

2. The Inspector of Police,
Thirumangalam Police Station,
Chennai.

3. The Inspector of Police,
Central Crime Branch,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Balachandran , Advocate SR.No. 53650

W.P.No.17006 of 2019

A.SK(01/08/2019)