

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16240 of 2019

M.Shanmugam

.. Petitioner

-vs-

The State Represented by

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

2.Inspector of Police,
Office of the District Crime Branch,
Old Police Station,
Near District Forest Office, Ooty,
Nilgiris District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondents not to harass the Petitioner and his family members in the name of enquiry without due process of law.

For Petitioner : Mr.S.Arokia Mani Raj

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner and his family members in the name of enquiry without due process of law.

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.10223 of 2019 on the file of the respondent police.

4.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 the 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 petitioner 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(CS)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Superintendent of Police,
Nilgiris District, Nilgiris.
2. The Inspector of Police,
Office of the District Crime Branch,
Old Police Station,
Near District Forest Office, Ooty,
Nilgiris District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. S.Arokia Mani Raj, Advocate SR.No. 54771

CRL.O.P.No.16240 of 2019

A.SK(05/07/2019)