

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.16417 of 2019

R.Gopalakrishnan

.. Petitioner

-vs-

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-16.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Pallavaram,
Chennai.

3.The Inspector of Police,
Crime,
S-6 Shankar Nagar Police Station,
Shankar Nagar,
Chennai - 75.

4.The Inspector of Police,
Pallavaram Police Station,
Chennai.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondents herein to not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr.S.Madhusudanan

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

ORDER

This Criminal Original Petition has been filed seeking to direct the Respondents herein to not to harass the petitioner on the guise of enquiry.

2.Heard learned Counsel for the petitioner and 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 Police Summon FOR ENQUIRY UNDER SEC 160 CR.P.C. issued by the 3rd 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 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

//True Copy//

Sub Assistant Registrar

vs/jas

To

- 1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-16.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Pallavaram, Chennai.
- 3.The Inspector of Police,
Crime,
S-6 Shankar Nagar Police Station,
Shankar Nagar, Chennai - 75.

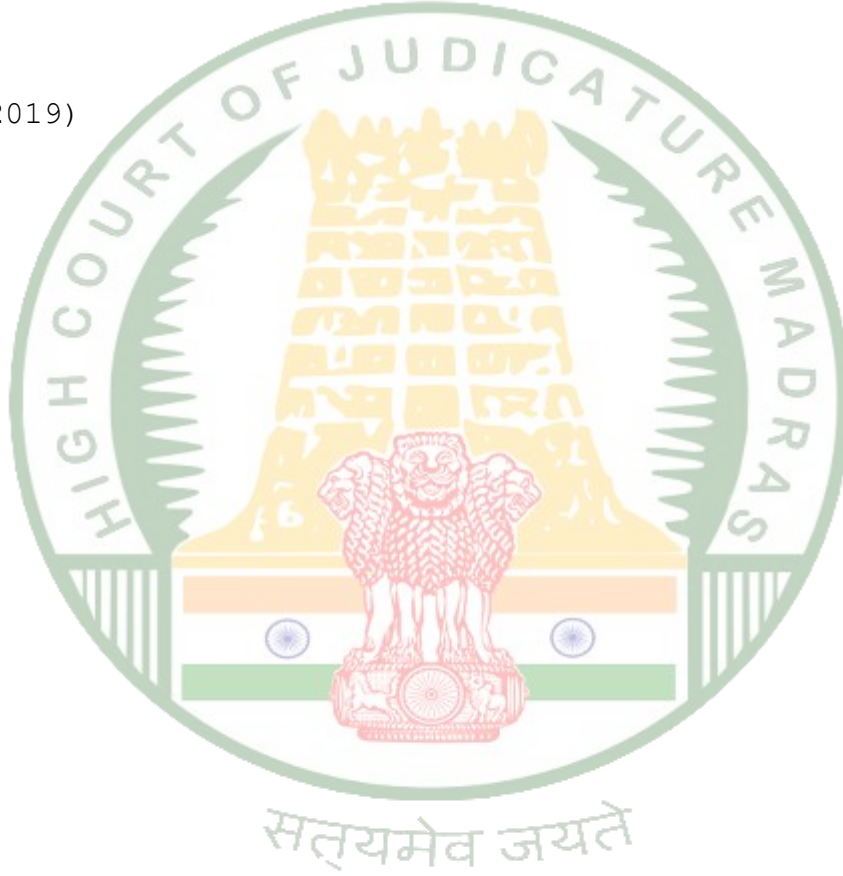
4.The Inspector of Police,
Pallavaram Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Madhusudanan, Advocate, S.R.No. 53240

Cr1.O.P.No.16417 of 2019

VSN II(CO)
GN(19/07/2019)



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