



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. No.17210 of 2019

M.Babu

... Petitioner

Vs.

1. State Rep. by  
The Assistant Commissioner of Police,  
Ambattur Limit and Range,  
Ambattur,  
Chennai 600 053.
2. The Inspector of Police,  
T-2, Ambathur Industrial Estate Police Station,  
Ambathur, Chennai 600 053.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent or their sub-ordinates not to harass the petitioner in the guise of investigation or enquiry.

For Petitioner : Mr.J.S.Arun Kumar

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

ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to harass the petitioner in the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending in C.No.138 of 2019 on the file of the second respondent police.

4. The petitioner is directed to cooperate 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, second 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.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police,  
Ambattur Limit and Range,  
Ambattur,  
Chennai 600 053.
2. The Inspector of Police,  
T-2, Ambathur Industrial Estate Police Station,  
Ambathur, Chennai 600 053.
3. The Additional Public Prosecutor,  
High Court, Madras

+lcc to Mr.J.S.Arun Kumar, Advocate, S.R.No.56420

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CS/31/07/2019