

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17061 of 2019

K.S.Gopalakrishnan

.. Petitioner

-vs-

State Rep. by

The Inspector of Police, L & O,
R-8, Vadapalani Police Station,
Law and Order,
Vadapalani,
Chennai 600 026
Crime No. not known of 2019

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent not to Harass the Petitioner in Crime No. not known of 2019 on the file of the Respondent police.

For Petitioner : Mr.M.K.Bhoopathy

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

ORDER

This Criminal Original Petition has been filed seeking direction to direct the Respondent not to Harass the Petitioner in Crime No. not known of 2019 on the file of the Respondent police.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.59/AC VPR/Camp/2019 dated 15.06.2019 issued by 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 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The The Inspector of Police, L & O,
R-8, Vadapalani Police Station,
Law and Order,
Vadapalani,
Chennai 600 026.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.K.Bhoopathy Rajan, Advocate sr.55155

सत्यमेव जयते

Cr1.O.P.No.17061 of 2019

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nr 30/07/2019

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