



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17046 of 2019

Rajkumar.L.B.

.. Petitioner

-vs-

State by

1. The Assistant Commissioner of Police,
R8 Vadapalani Police Station,
Vadapalani, Chennai 600 026.

2. The Sub-Inspector of Police,
R8 Vadapalani Police Station,
Vadapalani, Chennai 600 026.

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first and the second respondent not to harass the petitioner based on the complaint given before the above respondents or any other direction to restrain the first and the second respondent police from harassing the petitioner.

For Petitioner : Mr.G.Arun Kumar

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

ORDER

This Criminal Original Petition has been filed to direct the first and the second respondent not to harass the petitioner based on the complaint given before the above respondents or any other direction to restrain the first and the second respondent police from harassing the petitioner.

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 respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is



pending in CSR.No.485 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 2nd respondent is 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(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Assistant Commissioner of Police,
R8 Vadapalani Police Station,
Vadapalani, Chennai 600 026.
2. The Sub-Inspector of Police,
R8 Vadapalani Police Station,
Vadapalani, Chennai 600 026.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Arun Kumar, Advocate, S.R.No.56685

CRL.O.P.No.17046 of 2019

RSI (CO)
CS/14/08/2019