



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17304 of 2019

1. Namadevan
2. Suguna Kumari
3. Dilip

.. Petitioners

-vs-

1. The Commissioner of Police,
Egmore, Chennai - 600 008.
2. State Rep. by
The Inspector of Police (Crime),
Pallavaram Police Station,
Chennai.

3. S.Ayyanar

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to initiate necessary action against the 2nd Respondent and direct the 2nd respondent not to harass the petitioners by considering the representation dated 19.06.2019 preferred by the petitioners to the 1st respondent.

For Petitioner : Mr.P.Suresh

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2

Mr.S.Sathish Rajan for R3

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent and direct the 2nd Respondent not to harass the Petitioner by considering the representation dated 19.06.2019 preferred by the petitioners to the 1st respondent.

2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.



3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.No.141 of 2019 on the file of the respondent police.

WEB COPY

4.The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners against the respondents proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed.

ssr/jas

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Egmore,
Chennai - 600 008.
2. The Inspector of Police (Crime),
Pallavaram Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Suresh, Advocate, SR.No.58737

CRL.O.P.No.17304 of 2019

Kak(08/08/2019)