

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17501 of 2019

1.Draavid Rangasamy
2.Sri Ganesh

.. Petitioners

-vs-

1. The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
E.V.K.Sampath Salai,
Vepery, Chennai-7.

2. The Inspector of Police,
P2-Otteri Police Station,
Chennai-12.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass them and their family members based on their complaint dated 28.06.2019.

For Petitioners : Mr.N.Naresh

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioners and their family members based on their complaint dated 28.06.2019.

2.Heard learned counsel for the petitioners and the 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 Crime No.691 of 2018 and Crime No.313 of 2019 on the file of the respondent police.

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 2nd respondent is 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.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
E.V.K.Sampath Salai,
Vepery, Chennai-7.

2. The Inspector of Police,
P2-Otteri Police Station,
Chennai-12.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Naresh, Advocate, S.R.No.55792

VP(CO)
SSM(19/07/2019)

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