



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.17336 of 2019

Vinayagamoorthy

.. Petitioner

-vs-

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
2. The Inspector of Police (Crime),
C-3, 7 Wells Police Station,
Chennai - 600 001.
3. Shree Padma Balaji Traders
Rep. by its proprietrix, G.Mahalakshmi,
Carrying on business at No.27/14
Kondalier Street,
Kondithope,
Chennai - 600 079.
4. Sowmiya Traders,
Rep. by its proprietrix, B.Pavani,
Carrying on business at No.8/15
Ratna Mudali Street,
Kondithope,
Chennai - 600 079.
5. Sri Alamelu Balaji Traders,
Rep. by its proprietrix, Mr.P.Harinath,
Carrying on business at No.37,
Krishnappa Naicken Tank Street,
Kondithope,
Chennai - 600 079.
6. Lord Sri Subramaniya Traders,
Rep. by its proprietor, A.Srinivasan,
Carrying on business at No.17/1
Rathna Mudali Street,
Kondithope,
Chennai - 600 079.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to not to harass the petitioner except due process of law.



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For Petitioner : Mr.K.Thenrajan

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to not to harass the petitioner except due process of law.

2.Heard learned counsel for the petitioner 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 petitioner, petition enquiry is pending in C.No.1386 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 respondents are 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(CS IX)

//True Copy//

Sub Assistant Registrar

ssr/jas

To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.



2. The Inspector of Police (Crime),
C-3, 7 Wells Police Station,
Chennai - 600 001.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17336 of 2019

A.SK(06/08/2019)

A.SK(30/08/2019)