

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.17739 of 2019

Elangovan

.. Petitioner

-vs-

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner without issue any summon and due processes of law to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

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

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner without issue any summon and due processes of law to secure the ends of justice.

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.187 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/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

+1cc to Mr.M.Velmurugan, Advocate sr.57002

nr 26/07/2019

CRL.O.P.No.17739 of 2019

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