

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.17906 of 2019

A.C.Beemasamy

... Petitioner

-Vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode District.
2. The State rep. by Inspector of Police,
The District Crime Branch,
Erode District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondents herein not to harass the petitioner by appreciating the above stated facts and circumstances.

For Petitioner : Mr.D.Gopal

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

ORDER

This Criminal Original Petition has been filed to direct the respondents herein not to harass the petitioner by appreciating the above stated facts and circumstances.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned Counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by one T.Sivakumar against the petitioner, petition enquiry is pending.

5.The petitioner is directed to cooperate 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 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, respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

6. This Criminal Original Petition is disposed of with the above direction.

ssr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode District.
2. The Inspector of Police,
The District Crime Branch,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Gopal, Advocate, SR.No.59649/19

Crl.O.P.No.17906 of 2019

Kak(13/09/2019)