



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18108 of 2019

N.Jaishankar

.. Petitioner

-vs-

The State Represented by Inspector of Police,
E1 Mylapore Police Station,
Chennai-600 004.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent not to harass this petitioner on issues which are civil in nature and now being adjudicated before the civil court.

For Petitioner : Mr.H.Adaikala Arockiaraj

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

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass this petitioner on issues which are civil in nature and now being adjudicated before the civil court.

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

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.679 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 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.

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

Sd/-
Assistant Registrar(CS ii)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Inspector of Police,
El Mylapore Police Station,
Chennai-600 004.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.H.Adaikala Arockiaraj, Advocate SR.No. 60554

CRL.O.P.No.18108 of 2019

skn co

A.SK(02/08/2019)