

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.25214 of 2019
and WMP.Nos. 24783 & 24787 of 2019

1. Sivaraman
2. Rajeshwaran.S
3. Arul Sabaries.G
4. Ramanujam

... Petitioners

Vs

The Deputy Superintendent of Police,
Economic Offences Wing,
Industrial Estate, Guindy,
Chennai - 32.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to forbear them from conducting illegal inquiry as well as harassing the petitioners under the pretext of inquiry and for other consequential reliefs.

For Petitioners : Mr.R.Krishnakumar

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

The apprehension of the petitioners is that the respondent herein is illegally interfering with the day to day affairs of the petitioners' business. Hence, he sought for a Writ of Mandamus to forbear the respondent from conducting illegal inquiry as well as harassing the petitioners.

2. Learned Additional Public Prosecutor, on instructions, submitted that there is no complaint as against the petitioners herein. As such, the question of conducting any inquiry does not arise.

3. It is needless to point out that in case any future complaint is made against the petitioners herein, the respondent shall follow the procedures contemplated for the purpose of conducting any inquiry on the basis of the complaint. While conducting any inquiry, the respondent shall follow the following procedures:

a) While summoning any persons named in the complaint or any witness to the incident complained of, the police officer shall summon such persons through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

d) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

With the above observations, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mp

TO

1. The Deputy Superintendent of Police
Economic offences wing,
Industrial Estate, Guindy,
Chennai-32.

+2cc to Mr.R.Krishna Kumar, Advocate, SR.79488

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(CO)

CB(01/10/2019)

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