

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18810 of 2019

- 1.Syed Abuthahir
- 2.Mohammed Azarudeen
- 3.Ajathali
- 4.U.A.S.Hameed

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Coimbatore District, Coimbatore.

3.Ubesh Ali

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police or their Subordinates not to harass the petitioner's in the guise of investigation in respect of the complaint given by the 3rd respondent pending on the file of 2nd respondent police.

For Petitioner

:M/s.S.Sivakumar

For Respondent

:Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to direct the respondent police or their Subordinates not to harass the petitioner's in the guise of investigation in respect of the complaint given by the 3rd respondent pending on the file of 2nd respondent police.

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

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

Ubesh Ali 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 petitioners against the respondent proceeding to take action in accordance with law.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
District Crime Branch,
Coimbatore District, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Sivakumar, Advocate sr.63916

Cr1.O.P.No.18810 of 2019

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nr 17/09/2019