

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.19326 OF 2019

P.Ashok Kumar

... Petitioner

Vs.

1. State Rep. by
The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal, Namakkal District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rasipuram, Rasipuram Taluk,
Namakkal District.
3. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District

...Respondents

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner without conducting valid lawful inquiry and to investigate into the same and to proceed in accordance with law within the time prescribed by this Court.

For Petitioner : Mr.Ramana Reddy V

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending on the file of 3rd respondent, based on the complaint given by Mr.Ramesh Kumar.

4. 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, second 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal, Namakkal District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rasipuram, Rasipuram Taluk,
Namakkal District.
3. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Ramana Reddy, Advocate, S.R.No.67340

Crl.O.P.No.19326 of 2019

RSI (CO)
CS/20/09/2019



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