

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19436 of 2019

R.Devakumar
Authorised Person
M/s.Chris Merchant Pvt. Ltd.,
No.5, Poonammalle High Road
Koyambedu
Chennai-107.

... Petitioner

vs.

1.The Inspector of Police
Mrs.Latha, Crime Inspector
K11 Police Station
Koyambedu, Chennai - 107.

2.S.Nagendran

... Respondents

**(2nd Respondent impleaded as per the order
dated 30/07/2019 in Crl.MP.No.10491/2019
in Crl.OP.No.19436/2019)**

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police not to harass the petitioner or his person based on the complaint dated 09.07.2019.

For Petitioner : Mr.R.Varalakshmi

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

For Defacto Complainant : Mr.G.Anbuchezhian

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 respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending in CSR No.329 of 2019 on the file of respondent police, based on the complaint dated 09.07.2019.

4. The petitioners are 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, the respondent police 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

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
K11 Police Station
Koyambedu, Chennai - 107.

2. The Public Prosecutor
High Court of Madras.

+1 cc to M/s. S.Ramachandran, Advocate Sr.No. 67201

Cr1.O.P No.19436 of 2019