

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19408 of 2019

P.Govindarajulu

...Petitioner

-Vs-

The Inspector of Police,
Denkanikottai Circle,
1/C, Denkanikottai AWPS,
Denkanikottai (TK)-635 107.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to transfer the complaint pending before the respondent vide C.No.103/2019 dated 31.05.2019 at the instance of Mrs.Chitra, No.27B, Rajaji Street, Main Road, Denkanikottai, Krishnagiri District-635 106 to the police within the jurisdiction of Tiruvallur District.

For Petitioner : Mr.V.Manohar

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to transfer the complaint pending before the respondent vide C.No.103/2019 dated 31.05.2019 at the instance of Mrs.Chitra, No.27B, Rajaji Street, Main Road, Denkanikottai, Krishnagiri District-635 106 to the police within the jurisdiction of Tiruvallur District.

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

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 C.No.103/2019, dated 31.05.2019 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 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Denkanikottai Circle,
1/C, Denkanikottai AWPS,
Denkanikottai (TK)-635 107.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.V.Manohar, Advocate, S.R.No.62812

Crl.O.P.No.19408 of 2019

PA(CO)
SSM(24/07/2019).

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