



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19321 of 2019

S.Venkatesh

... Petitioner

-Vs-

1. State rep. by
The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam,
Chennai.

2. P.Kowsalya

3. P.Baranidharan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondents not to harass the petitioner or her family members.

For Petitioner : Mr.Ramesh D.S

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent police not to harass the petitioner or his family members.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.867 of 2019 on the file of the 1st respondent police.

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, third 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.

6. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.S.Ramesh, Advocate, S.R.No.64487

Crl.O.P.No.19321 of 2019

RRS(29/08/2019)