

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19593 of 2019
and
Crl.M.P No.10031 of 2019

1.B.Venkatesan
2.B.Ramachandran

.. Petitioners

-vs-

1.The State,
Represented by
Sub Inspector of Police,
District Crime Branch,
Cuddalore District
Cuddalore.

2.T.Saravanan

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records on the file of the 1st respondent relating to the summons under Proc. SPGP/1734/2019 and dated 17.07.2019, C.No.359/DCD and quash the same as illegal, arbitrary, unsustainable in law and on facts.

For Petitioners : Mr. AR. M.Arunachalam
For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records on the file of the 1st respondent relating to the summons under Proc. SPGP/1734/2019 and dated 17.07.2019, C.No.359/DCD and quash the same as illegal, arbitrary, unsustainable in law and on facts.

2.Heard learned counsel for the petitioners 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 petitioners, petition enquiry is pending in C.No.359/DCD/2019 on the file of the respondent police.

4.The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners against the respondent proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Inspector of Police,
District Crime Branch,
Cuddalore District
Cuddalore.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. AR.M.Arunachalam, Advocate sr 63700.

CRL.O.P No.19593 of 2019
and
Crl.M.P No.10031 of 2019

MR(CO)
SP(25/07/2019)