

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.20108 of 2019

S.A.Niyaz Ahamed

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District.

2. The Inspector of Police,
District Crime Branch,
Thiruvarur,
Thiruvarur District

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent not to harass the petitioner.

For Petitioner : Mrs.Greetha Senthilkumar

For Respondent : Mr.Mohammed 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, based on the complaint given by one Mr.Chandra Mohan.

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, 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.

06.08.2019

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Index: Yes/No

Internet: Yes/No



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N.ANAND VENKATESH.,J
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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District.
2. The Inspector of Police,
District Crime Branch,
Thiruvarur,
Thiruvarur District
3. The Public Prosecutor,
High Court, Madras.



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