

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19791 of 2019

A.Munavar Basha

.. Petitioner

-vs-

1. The State Represented by its
The Inspector of Police,
Thoraipakkam Police Station,
Chennai District.

2. Abubacker Siddique

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent police not to harass the petitioner by interfering with the civil disputes and false claims made by 2nd respondent.

For Petitioner : Mr.G.Arun

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 1st respondent police not to harass the petitioner by interfering with the civil disputes and false claims made by 2nd respondent.

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 CSR No.496 of 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 respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Thoraipakkam Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Arun , Advocate SR.No. 65894

A.SK(27/08/2019)

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सत्यमेव जयते

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