

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.21730 OF 2019

P.Nammalwar

.. Petitioner

-vs-

State represented by
Inspector of Police,
J4, Kotturpuram Police Station,
Chitra Nagar, Kotturpuram,
Chennai-600 085.

.. Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent "not to harass" the Petitioners under the guise of negotiations/settlement for a dispute which is purely of Civil Nature.

For Petitioner : Mr.Kaushik N Sharma

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

ORDER

This Criminal Original Petition has been filed to direct the Respondent "not to harass" the Petitioners under the guise of negotiations/settlement for a dispute which is purely of Civil Nature.

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

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.278 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 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.

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

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Inspector of Police,
J4, Kotturpuram Police Station,
Chitra Nagar, Kotturpuram,
Chennai-600 085.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Kaushik N Sharma, Advocate, S.R.No.70757

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CS/24/09/2019

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