

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20721 of 2019

V.Narendrakumar

.. Petitioner

-vs-

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai - 600 016.

2. The Inspector of Police,
St.Thomas Mount Police Station,
St.Thomas Mount,
Chennai - 600 016.

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent "Not to harass" the petitioner based on the complaint lodged by Mr.D.Kanagaraj the defacto complainant under the guise of enquiry.

For Petitioner : Mr.T.Ramachandran

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

ORDER

This Criminal Original Petition has been filed to direct the respondent "Not to harass" the petitioner based on the complaint lodged by Mr.D.Kanagaraj the defacto complainant under the guise of enquiry.

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.351 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(CS VIII)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai - 600 016.

2. The Inspector of Police,
St.Thomas Mount Police Station,
St.Thomas Mount,
Chennai - 600 016.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.66202

CRL.O.P.No.20721 of 2019

SSD(CO)
CS/16/09/2019