

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21079 of 2019

1. G.Parthasarathy
2. Deepa Parthasarathy .. Petitioners

-vs-

1. The Inspector of Police,
J-10, Chemmancheri Police Station,
Old Mahabalipuram Road,
Sholinganallur, Chennai - 600 119. ... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to not to harass the petitioners in the guise of investigation in Crime Number no Known on the file of the respondent police in regard to the complaint tendered by one Rosy Mary Priya.

For Petitioners : Mr.S.Karthikeyan

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondent police to not to harass the petitioners in the guise of investigation in Crime Number no Known on the file of the respondent police in regard to the complaint tendered by one Rosy Mary Priya.

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 CSR No.269 of 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 respondents are 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
J-10, Chemmancheri Police Station,
Old Mahabalipuram Road,
Sholinganallur, Chennai - 600 119.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Karthikeyan, Advocate sr.70302

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nr 03/10/2019

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