

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21087 of 2019

K.Pandeeswaran

.. Petitioner

-vs-

State rep by:
Inspector of Police,
Madipakkam Police Station,
Chennai District.
(Crime No.not known of 2019)

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent not to harass the Petitioner.

For Petitioner : Mr.R.Ramamoorthy

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

ORDER

This Criminal Original Petition has been filed seeking to direct the Respondent not to harass the Petitioner.

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 submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.128 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 respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Inspector of Police,
Madipakkam Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Ramamoorthy, Advocate Sr.69090

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cp[col]
srg 18/09/2019

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