

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. No.21355 of 2019

I.Balamurugan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
T2 Ambattur Police Station,
Chennai.

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioner in respect of Crime No.not known of 2019, on the file of the respondent police.

For Petitioner : Mr.C.Vidhusan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending in CSR No.855 of 2019 on the file of respondent police, based on the complaint given by the de-facto complainant.

4. The petitioner is directed to cooperate 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 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 police 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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
T2 Ambattur Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras

+1 cc to M/s.C.Vidhusan, Advocate Sr.No. 71413

AKM/25.09.19/2P-4C /

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सत्यमेव जयते
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