

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.22719 of 2019

M.Parthiban

.. Petitioner

-vs-

1. The State Rep by,
The District Superintendent of Police,
Kancheepuram,
Kancheepuram District.
 2. The Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District.
- .. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner based on the petitioner representation to the respondents dated on 30.07.2019.

For Petitioner : Mr.S.Sugendran

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner based on the petitioner representation to the respondents dated on 30.07.2019.

2.Heard learned counsel for the petitioner 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 petitioner, petition enquiry is pending in CSR No.735 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 respondents are 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The District Superintendent of Police,
Kancheepuram,
Kancheepuram District.
2. The Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Sugendran, Advocate sr 72572

PM(CO)
SP(23/09/2019)

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