

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.22413 of 2019

1.K.Manimuthu
2.M.Satheesh

.. Petitioners

-vs-

1. The Superintendent of Police,
Namakkal District.
Namakkal.
2. The Deputy Superintendent of Police,
District Crime Branch,
Namakkal District
Namakkal.
3. The Inspector of Police,
District Crime Branch,
Namakkal.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the 2nd and 3rd respondent police not to harass the petitioners.

For Petitioner : Mr. E.P.Senniyangiri

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners.

2.Heard learned Counsel for the petitioners and 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 summon issued by 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 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 (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Namakkal District.
Namakkal.
2. The Deputy Superintendent of Police,
District Crime Branch,
Namakkal District
Namakkal.
3. The Inspector of Police,
District Crime Branch,
Namakkal.
4. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr. E. P. Senniyangiri, Advocate SR.71879

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NRJK (CO)
CB (10/10/2019)