

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

CrI.O.P.No.23498 of 2019

Mr.Sathasivam

...Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2. The Deputy Commissioner of Police,
T.Nagar,
Chennai.

3. The Inspector of Police,
Teynampet Police Station,
Teynampet,
Chennai.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd respondent not to harass the petitioner based on his complaint dated 22.08.2019 other than due process of law.

For Petitioner : Mr.J.P.Rajesh

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

ORDER

This Criminal Original Petition has been filed to direct 3rd respondent not to harass the petitioner based on his complaint dated 22.08.2019.

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, enquiry is

pending in CSR.No.208 of 2019 on the file of the 3rd 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk/jrs

To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
T.Nagar,
Chennai.

3.The Inspector of Police,
Teynampet Police Station,
Teynampet,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.G.SenthilKumar, Advocate SR.77278

CrI.O.P.No.23498 of 2019

BS (CO)
CB(15/10/2019)