

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.23358 of 2019

B.Naveen Kumar

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallur,
Thiruvallur District.

2. The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur,
Thiruvallur.

... Respondents

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

For Petitioners : Mr.K.G.Senthil Kumar

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

ORDER

This Criminal Original Petition is filed to direct the second respondent not to harass the petitioner based on the complaint dated 22.08.2019.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the petitioner, enquiry is pending on the file of the second respondent.

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 . The Hon'ble 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, second 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, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

jrs/hvk
To

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

+1cc to Mr.K.G.Senthil kumar , Advocate SR.No. 77279

Crl.O.P.No.23358 of 2019

A.SK(10/10/2019)