

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Cr1.O.P.No.23352 of 2019

1.P.Mahendran
2.E.Durairaj
3.P.Ramaraj
4.R.Harigopal

... Petitioners

Vs

1.State Rep. by
The Superintendent of Police,
Kancheepuram district,
Kancheepuram

2. The Inspector of Police,
Manimangalam Police Station,
Manimangalam,
Kancheepuram District.

3. Tmt. R.Kalaivani

4. Sasi Kumar

.... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner under guise of enquiry based on the complaint given by the third respondent.

For Petitioners : Mr.C.Mohanraj

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for RR1 & 2.

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under guise of enquiry based on the complaint given by the third respondent.

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

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by R.Kalaivani /third respondent herein against the petitioner, petition 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 direction, this Criminal Original Petition is disposed of with the above directions.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

jrs
To

1. The Superintendent of Police,
Kancheepuram district,
Kancheepuram

2. The Inspector of Police,
Manimangalam Police Station,
Manimangalam,
Kancheepuram District.

3. The Additional Public Prosecutor,
High Court , Madras.

+1 CC to Mr.C.Mohanraj, Advocate sr 76711.

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SP(06/09/2019)