

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.23545 of 2019

R.Venkatesan

... Petitioner

Vs

The Inspector of Police,
Kotturpuram Police Station,
Chennai District.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner unlawfully.

For Petitioner : Mr.M.Aswin

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

ORDER

This Criminal Original Petition is filed to direct the respondent/police not to harass the petitioner unlawfully.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the petitioner, enquiry is pending in CSR.No.486 of 2019 on the file of the 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, 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 closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs/hvk

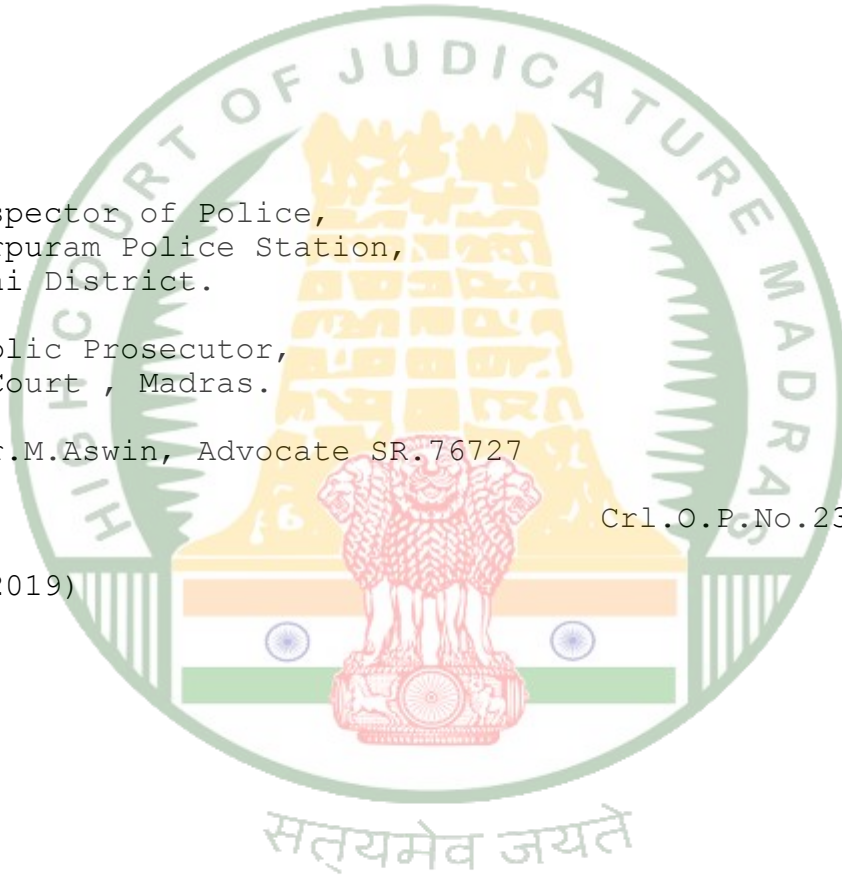
To

1. The Inspector of Police,
Kotturpuram Police Station,
Chennai District.
2. The Public Prosecutor,
High Court , Madras.

+1cc to Mr.M.Aswin, Advocate SR.76727

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PPA(CO)
CB(22/10/2019)



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