

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P.No.24145 of 2019

M.Yuvaraj

...Petitioner

Vs

1.State Rep. by
The Inspector of Police,
All Women Police Station,
Villupuram.

2. V.Rekha

....Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of respondent police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of respondent police.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by V.Rekha/ second respondent herein against the petitioner, petition enquiry is pending on the file of the second respondent registered in CSR.No.563/2019.

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.

jrs

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Villupuram

2. The Public Prosecutor,
High Court , Madras.

+lcc to Mr.C.Ganesh Pandian, Advocate, SR.No.76669

Crl.O.P.No.24145 of 2019

Kak(26/09/2019)

सत्यमेव जयते

WEB COPY