

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Cr1.O.P. No.27133 of 2019

Surendrakumar

..Petitioner

vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvavur District,
Thiruvavur.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent
of Police,
Thiruthuraipundi,
Thiruvavur District.

3. The Inspector of Police,
Thiruthuraipundi Police Station,
Thiruvavur District

4. Bharathi

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the respondent No.2 'not to harass' the petitioner in
the guise of enquiry on the complaint of Bharathi and his family
members.

For Petitioner :Mr.A.Balaji

For Respondents :Mr.C.Raghavan, Govt. Advocate

ORDER

Seeking a direction to the respondent police not to harass
the petitioner under the guise of investigation or enquiry, the
petitioner has come up with this petition.

2.I have heard the learned counsel for the petitioner and
the learned Government Advocate for the respondents.

3.It is stated by the learned Government Advocate that one
Bharathi has given a complaint against the petitioner and on the

basis of the said complaint, the respondent police is proceeding to initiate enquiry in the case.

4.If the petitioner is so required for interrogation or enquiry, the respondent police would be at liberty to do so, on serving summons and the petitioner shall cooperate for the same. At the same time, under the guise of enquiry or interrogation, the respondent police cannot call the petitioner time and again and harass him without even registering an FIR, in the light of the judgement of the Hon'ble Supreme Court of India in Lalitha Kumari vs. Government of Uttar Pradesh (2013(6) CTC 353, wherein the Hon'ble Supreme Court of India 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, it is needless to say that the respondent police can act in accordance with law and the petitioner cannot use this order as a shield against the respondent to take action in accordance with law.

5.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Vacation Officer

//True Copy//

msk
To

Sub Assistant Registrar

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District, Thiruvarur.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent
of Police,
Thiruthuraipundi, Thiruvarur District.
3. The Inspector of Police,
Thiruthuraipundi Police Station,
Thiruvarur District
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Balaji, Advocate, **S.R.No.85571 (11/10/2019)**

CrI.O.P. No.27133 of 2019

(CO)

SSM(10/10/2019)///SSM(11/10/2019)