

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Cr1.O.P. No.27262 of 2019

Rajavel

..

Petitioner

vs.

1.The Commissioner of Police,
Coimbatore.

2.The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 'not to harass' the petitioner and his family members in C.S.R.No.782 of 2019.

For Petitioner :Mr.G.R.Deepak

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 Tmt.Valarmathi 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/-

Assistant Registrar (Vacation Officer)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Commissioner of Police,
Coimbatore.
2. The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. G.R. Deepak, Advocate SR.No. 85568

CrI.O.P. No.27262 of 2019

A.SK(10/10/2019)