

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM.J,

Cr1.O.P.No.33634 of 2019

S.Chinnasamy

...Petitioner

-Vs-

The State Rep. by

The Sub-Inspector of Police,
Sendurai Police Station,
Ariyalur District.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent not to harass the petitioner.

For Petitioner : Mr.D.S.David

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.502 of 2019 on the file of the respondent police.

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 and 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, third 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.This Criminal Original Petition is disposed of with a directions.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

rna

To

1.The Sub-Inspector of Police,
Sendurai Police Station,
Ariyalur District.

2.The Public Prosecutor,
Madras High Court.

+1cc to Mr.D.S.David, Advocate, SR.No.104315.

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RSV(CO)
CSR: 28/01/2020



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