

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30291 of 2018

R.Mahendran

...Petitioner

Vs.

The State,
The Inspector of Police,
K10 Koyambedu Police Station,
Koyambedu,
Chennai.

Crime No.Not Known of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent not to harass the petitioner in respect of Crime No. not known of 2018 on the file of the respondent police.

For Petitioner : Mr.S.Muthukrishnan

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 police not to harass the petitioner under guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for 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.567 of 2018, on the file of the respondent police.

4. The petitioner is directed to co-operate 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, 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, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mpa/ub

To

1.The Inspector of Police,
K10 Koyambedu Police Station,
Koyambedu, Chennai.

2.The Public Prosecutor,
High Court, Madras.

GMV (06/02/2019)

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सत्यमेव जयते

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