

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30406 of 2018

K.Tamilarasan
Proprietor,
M/s.M.K.S.Pattani Kadai,
Cuddalore District.

... Petitioner/Accused

-Vs-

1. The Inspector of Police,
District Crime Branch,
Erode, Erode District. ... 1st Respondent/Complainant
2. Mr.A.Karthikeyan. ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the 1st respondent not to harass and disturb the Petitioner and his family members and not to visit the Petitioner's working spot and residence place.

For Petitioner : Mr.M.G.Udayashankar

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

ORDER

This petition has been filed to direct the 1st respondent not to harass and disturb the Petitioner and his family members and not to visit the Petitioner's working spot and residence place.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st 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.No.906 of 2018 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, 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

ssr/ub

To

1. The Inspector of Police,
District Crime Branch,
Erode, Erode District.
2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.G.Udayashankar, Advocate Sr.No.1389

Cr1.O.P.No.30406 of 2018

EV(CO)
CSL/21.01.2019

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