

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 07.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30609 of 2018

1. Sanath Kumar

2. Meganathan

3. Nalini

... Petitioners

-Vs-

1. The Commissioner of Police,  
O/o The Commissioner of Police,  
Commissioner Office Building,  
E.V.K. Sampath Road,  
Vepery, Chennai - 07.

2. The Deputy Commissioner of Police,  
O/o The Deputy Commissioner of Police,  
K-4, Anna Nagar Police Station,  
Chennai.

3. The Assistant Commissioner of Police,  
O/o The Assistant Commissioner of Police,  
Villivakkam - Police Station,  
Chennai - 49.

4. The Inspector of Police,  
V-4, Rajamangalam - Police Station,  
Chennai.

5. The Inspector of Police,  
W-9, AWPS, Villivakkam Police Station,  
Chennai - 49.

6. The Inspector of Police,  
V-6, Kolathur Police Station,  
Chennai - 82.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the Respondents Police not to harass the Petitioners in respect of Crime No: Not Known of 2018 on the file of the Respondents.

For Petitioner : Ms.R.Saranya

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

ORDER

This petition has been filed to direct the Respondents Police not to harass the Petitioners in respect of Crime No: Not Known of 2018 on the file of the Respondents.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the Respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in Crime No.01 of 2019 on the file of the respondents police.

4.The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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, respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Commissioner of Police,  
O/o The Commissioner of Police,  
Commissioner Office Building,  
E.V.K. Sampath Road,  
Vepery, Chennai - 07.

2. The Deputy Commissioner of Police,  
O/o The Deputy Commissioner of Police,  
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3. The Assistant Commissioner of Police,  
O/o The Assistant Commissioner of Police,  
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Chennai - 49.
6. The Inspector of Police,  
V-6, Kolathur Police Station,  
Chennai - 82.
7. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.R.Saranya, Advocate, S.R.No.1731

Crl.O.P.No.30609 of 2018

MP (CO)  
GSP (04/02/2019)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The lion capital is flanked by two red horses. Below the lion capital is a red wheel. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the motto "सत्यमेव जयते" is written in Devanagari script.

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