

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.30514 of 2018

V.Mani

... Petitioner

-Vs-

1. State, rep. by the
The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 2. The Inspector of Police,
Somangalam Police Station,
Somangalam,
Kancheepuram District.
 3. K.Latha
 4. Karuppaiah
- Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to directing the Respondents 1 & 2 not to harass the Petitioner based on the alleged Complaint given by the 3rd Respondent.

For Petitioner : Mr.C.Mohanraj

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते

ORDER

This petition has been filed to directing the Respondents 1 & 2 not to harass the Petitioner based on the alleged Complaint given by the 3rd Respondent.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the Respondents 1 & 2.

3.The learned Counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one L.Karuppaiyam against the petitioner, petition enquiry is pending.

5.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, respondents is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police,
Somangalam Police Station,
Somangalam,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Mohan Raj, Advocate, S.R.No. 2110

Cr1.O.P.No.30514 of 2018

GN(28/01/2019)