

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2020

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6385 of 2020

Mrs. Lilly Arputham

...Petitioner

-vs-

1. The Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai - 600 087.

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second Respondent to not to harass the Petitioner except due process of law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mrs.P.Kritika Kamal,
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the second respondent not to harass the Petitioner except due process of law.

2.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that based on the complaint given by the defacto complainant, petition enquiry is pending against the petitioner in C.S.R.No.66 of 2020 on the file of the second respondent police.

3.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to co-operate with the police for enquiry and at the time of conducting enquiry, the petitioner shall not be harassed by the police. It is made clear that the police cannot call the petitioner on a regular basis in the guise of enquiry without even registering

an FIR, as the Supreme Court in Lalitha Kumari v. Government of Uttar Pradesh [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. It is also made clear that during the course of enquiry, if any cognizable offence is made out, the respondents are at free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

4. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)MDU

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai - 600 087.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Thenrajan, Advocate, S.R.No.24377

सत्यमेव जयते

Cr1.O.P.No.6385 of 2020

NRL (CO)
KKV/21/07/2020

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