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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2020

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6564 of 2020

D.Parimala

...Petitioner

Vs

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

2. The Inspector of Police,
W-5 All Women Police Station,
Vepery, Chennai - 600 007.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner and the minor boy Vijay Akash by resorting to illegal means.

For Petitioner : Mr.H.Rajasekar

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

ORDER

The present criminal original petition has been filed seeking a direction to the respondents not to harass the petitioner and a minor boy Vijay Akash.

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.7 of 2020 and Rc.25/AC Vep/Camp/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

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
W-5 All Women Police station,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras - 104.

+1 cc to Mr. H.Rajasekar, Advocate Sr.No. 24555

Cr1.O.P.No.6564 of 2020

BR(CO)
RMP(15/07/2020)