



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2020

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.6553 of 2020

WEB COPY

E.Poongodi

... Petitioner

Vs

The State Rep by

1. The Commissioner of Police,
O/o. Greater Chennai Commissioner Office,
Vepperi, Chennai - 600 007.
2. The Assistant Commissioner of Police,
O/o.Assistant Commissioner,
K-4, Police Station,
Anna Nagar, Chennai.
3. The Inspector of Police,
Law & Order,
K-4, Police Station,
Anna Nagar, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent not to harass the petitioner under the guise of registering false cases against her Sons or by way of enquiry and not subject him to frequent threat of the same.

For Petitioner : Mr.T.Padmanabhan

For Respondents : Mrs.P.Kritika Kamal
Government Advocate (CrI.side)

ORDER

The present criminal original petition has been filed seeking a direction to the third respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that the petitioner's husband is suffering from Tuberculosis and the same was also intimated to the police authorities by handing over the medical records. However, the respondent police is repeatedly



calling the petitioner for enquiry.

3. It is represented by the learned Government Advocate (Crl.Side) appearing for the respondents that the petitioner's two sons have involved in various offences and they have been made as history sheeted rowdies and they are absconding and hence, the respondent authorities have required the co-operation of the petitioner so as to ascertain the whereabouts of the accused and proceed with the case in the manner known to law.

4. 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 respondent 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. After completing the enquiry, the respondent police shall return the medical records of the petitioner's husband to the petitioner.

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

s/d-
Assistant Registrar(CS VI)

True Copy
Sub-Assistant Registrar

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To

1. The Commissioner of Police,
O/o. Greater Chennai Commissioner Office,
Vepperi, Chennai - 600 007.



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

3. The Inspector of Police,
Law & Order,
K-4, Police Station,
Anna Nagar, Chennai.

4. The Public Prosecutor,
High Court, Madras - 104.

Cr1.O.P.No.6553 of 2020

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aa08/07/2020