

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2020

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6567 of 2020

Justin Sagayaraj

... Petitioner

Vs

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

2. The Inspector of Police,
District Crime Branch,
Kancheepuram.

3. The Inspector of Police (L&O),
B-4 Baluchetty Chathiram Police Station,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 2 and 3 not to harass the petitioner and his family members on the basis of petitioner's complaint dated 11.03.2020.

For Petitioner : Mr.B.Manimaran

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 2 and 3 not to harass the petitioner on the basis of the complaint lodged.

2.The learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, submitted that based on the complaint given by the defacto complainant, petition enquiry is pending against the petitioner.

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 Superintendent of Police,
Kancheepuram,
Kancheepuram District.
2. The Inspector of Police,
District Crime Branch,
Kancheepuram.
3. The Inspector of Police (L&O),
B-4 Baluchetty Chathiram Police Station,
Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras - 104.

Crl.O.P.No.6567 of 2020

PPA (CO)
MJ(25/06/2020)