

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 11.06.2020
Coram
THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH
CRL.O.P.NO.8466 of 2020

Mala

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
S12, Chitlapakam Police Station,
Chitlapakkam, Chennai.

2. The Commissioner of Police,
Greater Chennai Police,
Commissioner office, Veperi,
Chennai.

.... Respondents

Prayer: This criminal original petition has been filed under Section 482 of the Code of Civil Procedure to direct the first respondent police, Inspector of Police, S-12, Chitlapakam Police Station, Chitlapakam, Chennai not to harass the petitioner based on the representation dated 06.06.2020.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.M.Mohammed Riaz,
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking for a direction to direct the respondents not to harass the petitioner and her family members in the name of enquiry, without due process of law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.AC.15 of 2020 on the file of the respondent police.

4. The petitioner is directed to co-operate 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 the Supreme Court of India in Lalitha Kumar 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, the respondents are 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.

5. With the above directions, the Criminal Original Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy
Sub-Assistant Registrar

mst

To

1. The Inspector of Police,
S12, Chitlapakam Police Station,
Chitlapakkam, Chennai.
2. The Commissioner of Police,
Greater Chennai Police,
Commissioner office, Veperi,
Chennai.
3. The Public Prosecutor, Madras High Court.

सत्यमेव जयते

Cr1.O.P.No.8466 of 2020

sj(co)
aa17/07/2020

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