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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.9011 of 2020

Mohammed Sulthan

.. Petitioner

-vs-

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.

2.The Inspector of Police,
Seven Wells Police Station,
Flower Bazar, Chennai.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner.

For Petitioner : Mr.B.Nambiselvam

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the second Respondent not to harass the Petitioner and his family members in the name of enquiry without due process of law.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.82 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



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registering an FIR and the Supreme Court of India in Lalitha Kumari 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.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.

2. The Inspector of Police,
Seven Wells Police Station,
Flower Bazar, Chennai.

3. The Public Prosecutor,
High Court, Madras.

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VGII(CO)
CB(15/07/2020)