

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.119 of 2021

1 A.ARESH KUMAR,
S/O. A. ASHOK KUMAR, NO.161,
P.S. KUMARASAMY RAJA SALAI,
GREEN WAYS ROAD , A.I.M QUARTERS,
R.A. PURAM, CHENNAI 28 ...PETITIONER

Vs

- 1 THE SUPERINTENDENT OF POLICE,
TIRUPATTUR DISTRICT, TIRUPPATTUR
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUPATTUR 630211
- 3 Mrs. JEEVITHA @ MONISHA
D/O. NAKEERAN NO. 263 N.G.O. NAGAR
SEKKIZHAR STREET TRUPATTUR 630211 ...RESPONDENTS

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd Respondent and her subordinates not to harass the petitioner and his family members based on the false complaint of the 3rd respondent.

For Petitioner : Mr.Paul Selvam

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending, based on the complaint given by one Mrs.Jeevitha.

4. The petitioner is directed to cooperate 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 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 respondent police is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

07.01.2021

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Index: Yes/No

Internet: Yes/No

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N.ANAND VENKATESH.,J
rka

To

- 1 THE SUPERINTENDENT OF POLICE,
TIRUPATTUR DISTRICT, TIRUPPATTUR
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUPATTUR 630211
3. The Public Prosecutor,
High Court, Madras.



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