

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.380 of 2021

R.Govindarajan

...Petitioner

Vs.

1.The Commissioner of Police,
Veppery, Chennai.

2.The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur Estate, Chennai.

3.L.Antony. ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue the direction to the respondents for not to harass and not to disturb the petitioner family.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass and not to disturb the petitioner family 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 CSR.No.109 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 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 (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Veppery, Chennai.

2. The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur Estate, Chennai.

3. The Public Prosecutor,
High Court, Madras

+1 cc to M/s.S.Ramajayam, Advocate Sr.No. 1780

AKM/12.02.2021/2P-5C /

सत्यमेव जयते

Cr1 OP No.380 of 2021
18.01.2021

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