

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.597 of 2021

Govardhan

... Petitioner

vs.

1. State By
Inspector of Police,
EI-Ponneri Police Station,
Thiruvallur District.

2. Varalakshmi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent herein viz. The Inspector of Police, EI-Ponneri Police Station, Chennai, not to harass the petitioner herein on the pretext of enquiry by misusing their official power in interfering with the civil matter by aiding the 2nd respondent herein.

For Petitioner : Mr. S.Sasikumar

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for a direction to direct the first 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 first respondent.

3.The learned Additional Public Prosecutor appearing for the first respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry

is pending in C.No.173 of 2020 on the file of the first 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 first respondent is 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

//True Copy//

Sub Assistant Registrar

jv

To

1. The Inspector of Police,
EI-Ponneri Police Station,
Thiruvallur District.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.S. SASIKUMAR, Advocate, S.R.No.3165

SVI(CO)
SM/11/02/2021

Cr1. OP No.597 of 2021