

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1171 of 2021

&

W.M.P.No.1319 of 2021

C.T.Arunachalam

.. Petitioner

-vs-

1. The State rep. By
The Inspector of Police,
R8 Vadapalani Police Station,
Somasundara Bharathi Nagar,
Vadapalani, Chennai-600 026.

2. Geetha

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the first respondent from interfering in the civil dispute by compelling and harassing the petitioner to settle the alleged dispute in respect of Door No.1 in ground floor measuring 600 sq. ft. of super built up area in the old door No.12, New Door No.33, Perumal Koil South Street, Vadapalani Chennai-26.

For Petitioner : Mr.AR.Karthik Lakshmanan
For Respondents : Mr.M.Mohamed Riyaz R1
Additional Public Prosecutor
Mr.A.Praveen Kumar for R2

ORDER

This Writ Petition has been filed seeking for a direction to direct the first Respondent not to harass the Petitioner 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 respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.244 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, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rli

To

1.The Inspector of Police,
R8 Vadapalani Police Station,
Somasundara Bharathi Nagar,
Vadapalani, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Praveen Kumar, Advocate, S.R.No.7900.

W.P.No.1171 of 2021

JP-II(CO)
CSR 24.03.2021

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