

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 928 of 2021

Jaiganesh

.. Petitioner

Vs

The State by,
The Inspector of Police,
W33 Madhavaram All Women Police Station,
Puzhal, Chennai - 66.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure to direct the respondent not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of the respondent police.

For Petitioner :Mr.A.Shabanal

For Respondent :Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondent not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of the respondent police.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the 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 CSR.No.24 of 2021 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 respondent 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
W33 Madhavaram All Women Police Station,
Puzhal, Chennai - 66.
2. The Public Prosecutor,
High Court of Madras.

AKM/18.02.21/2P- 3C/

CrI.O.P.No.928 of 2021
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सत्यमेव जयते

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