

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.01.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1245 of 2021

David Raynell J

.. Petitioner

-vs-

The State Represented by
The Inspector of Police,
W4 Kilpauk All Women Police Station,
Chennai.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent Police not to harass the Petitioner except under due process of law.

For Petitioner : Mr.P.chandrasekar

For Respondent : Mr.M.Mohamed 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 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 respondent.

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.07/2021 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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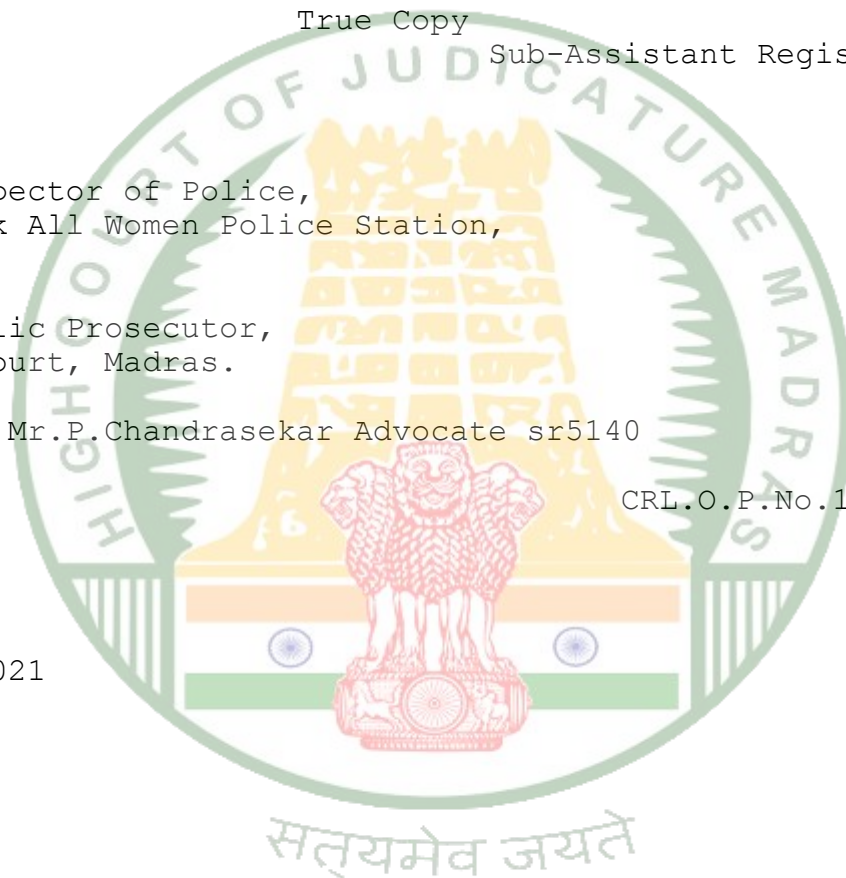
1. The Inspector of Police,
W4 Kilpauk All Women Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr. P. Chandrasekar Advocate sr5140

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