

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1393 of 2021

S.Selvabalaji

... Petitioner

-Vs-

The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondent police not to harass the petitioner under the guise of the complaint lodged by one Roja, D/o.Devaraj.

For Petitioner : Mr.E.P.Sethupathi

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 Petitioners in the name of enquiry without due process of law.

2.Heard learned counsel for the petitioners 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 petitioners, petition enquiry is pending in CSR.No.153 of 2019 on the file of the respondent police.

4.The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 (CS.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.D.Sethupathi, Advocate SR.NO.4914

AKM/19.02.21/ 2P-4C/

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सत्यमेव जयते

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