

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 09.02.2021  
CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH  
WP No.2707 of 2021

P.Manikandan

... Petitioner

vs.

1. The Commissioner of Police,  
Greater Chennai Corporation,  
Vepery, Chennai.
2. The Superintendent of Police,  
Cuddalore,  
Cuddalore District.
3. The Superintendent of Police,  
Thiruvavarur,  
Thiruvavarur District.
4. The Inspector of Police,  
Neyveli Town Police Station,  
Neyveli Township,  
Cuddalore District.
5. G.Vaitheeswaran ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent not to harass the petitioner (the petitioner representation letter to the respondents dated on 21.12.2020).

For Petitioner : Mr. Senthazmizh Selvan

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

O R D E R

This Writ Petition has been filed seeking for a direction to direct the second 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 respondents.

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.307 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 respondent Police 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. The Writ Petition is disposed of with the above directions. No costs.

Sd/-  
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

jv

To

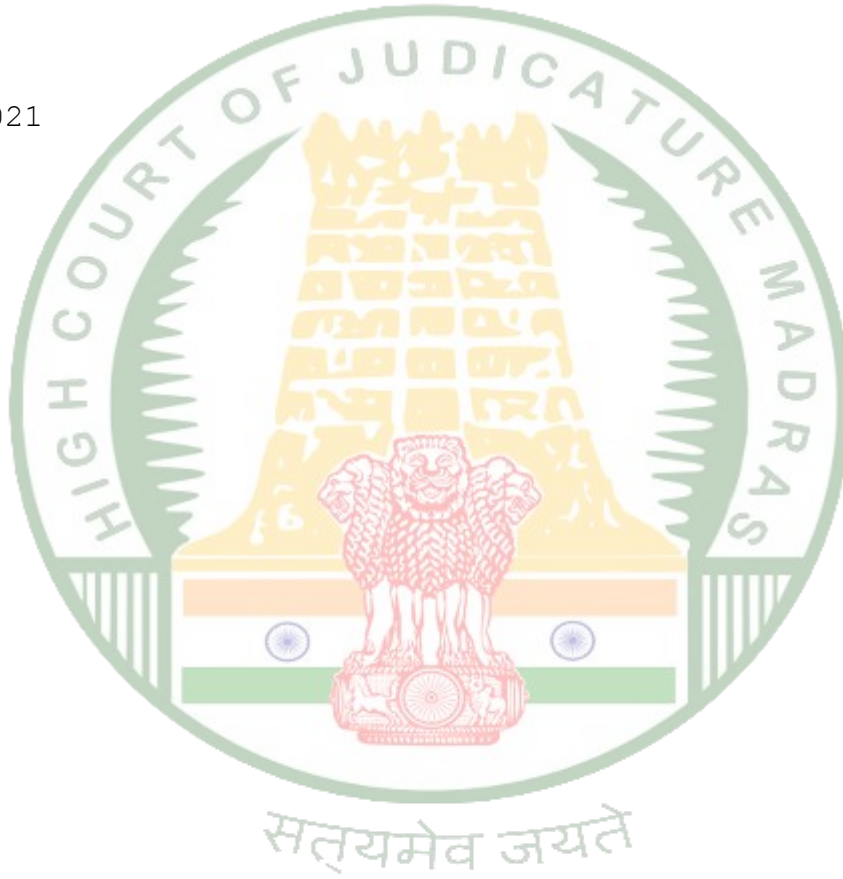
1. The Commissioner of Police,  
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Vepery, Chennai.
2. The Superintendent of Police,  
Cuddalore,  
Cuddalore District.
3. The Superintendent of Police,  
Thiruvarur,  
Thiruvarur District.

4. The Inspector of Police,  
Neyveli Town Police Station,  
Neyveli Township,  
Cuddalore District.

5. The Public Prosecutor,  
High Court, Madras.

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