

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4509 of 2021

and

WMP.No.5124 of 2021

1. Chandhiran @ viswanathan
2. Dinesh ... Petitioners

Vs.

1. The Superintendent of Police,
Erode, Erode District.
2. The Inspector of Police,
Erode Town Police station,
Erode District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the 2nd respondent not to harass the petitioners by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad
For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioners, based on the complaint given by one Mr.M.V.Subramanian.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

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.15 of 2021 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 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. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka
To

1. The Superintendent of Police,
Erode, Erode District.
2. The Inspector of Police,
Erode Town Police station,
Erode District.
3. The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Guruprasad, Advocate Sr.No. 12470

SKY(CO)
RMP(24/03/2021)

Crl.O.P.No.4509 of 2021