

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.4474 OF 2021

J.Abdul Rahaman

.. Petitioner

-vs-

1. The Commissioner of Police,
O/o Commissioner Office Building,
Vepery, Periyamet, Chennai - 600 007.
2. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.
3. Mrs.Manjula Venugopal .. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to not to harass the petitioner under the guise of enquiry or any such other thing and also to not to interfere in the affairs of the companies beyond jurisdiction.

For Petitioner : Mr.A.Raja Mohamed

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2

ORDER

This petition has been filed to direct the 1st and 2nd respondents to not to harass the petitioner under the guise of enquiry or any such other thing and also to not to interfere in the affairs of the companies beyond jurisdiction.

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

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.552 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 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.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
O/o Commissioner Office Building,
Vepery, Periyamet, Chennai - 600 007.

2. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.

3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.Raja Mohamed, Advocate, S.R.No.11631

W.P.No.4474 of 2021

GPL(CO)
CS/15/03/2021