

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 26.02.2021
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.3291 of 2021
and WMP No.3738 and 3739 of 2021

N.L.Traders
Represented by its Proprietrix
P.Nithya

.. Petitioner

Vs.

1. The Superintendent of Police,
Villupuram

2. Nayara Energy Ltd
Formerly known as Essar Oil Ltd.,
5th Floor, Plot No.C-68, G Block,
Bandra Kurla complex, Bandra East,
Mumbai 400 051

3. The Deputy Superintendent of Police,
Villupuram

4. The Inspector of Police,
Taluk Police station,
Villupuram

[R3, R4 suo-motu impleaded vide order
dated 16.02.2021 made in WP No.3291 of 2021 by NAVJ]

.. Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue Writ of Certiorarified
Mandamus to Call for the records in C. No. G1 / 25995 / 2020
dated 05.10.2020 on the file of the 1st respondnet and quash it
as illegal irregular and without jurisdiction and further direct
the 1st respondent not to interfere with civil disputes by
coercing the petitioner not to carry on business at Survey No.
23 / 18b Panampattu village, Villupuram taluk and District.

For Petitioner : Mr.V.RAghavachari

For Respondents 1,3&4 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ petition has been filed seeking for a direction
to the Respondents not to harass the Petitioner and his family
members 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 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 C.No.G1/25995/2020 dated 05.10.2020 on the file of the 1st 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

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Villupuram

2. The Deputy Superintendent of Police,
Villupuram

3. The Inspector of Police,
Taluk Police station,
Villupuram

+1 cc to Mr.V.Raghavachari, Advocate, SR.NO.12479

W.P.No.3291 of 2021

BR(CO)

NS(07/05/2021)