

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3403 of 2021

Jothiswari, W/o.Ravi Shankar

.. Petitioner

-vs-

1.The Commissioner of Police,
Commissioner Office Buildings,
EVK Sampath Road,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
Deputy Commissioner Office,
Anna Nagar-600 040.

3.The Inspector of Police,
K-8, Police Station,
Arumbakkam,
Chennai-600 106.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 3rd respondent herein not to harass the petitioner in any manner except by due process of law, based on the representation dated 03.02.2021.

For Petitioner : Mr.R.Sunil Kumar

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

ORDER

This writ petition has been filed seeking for a direction to direct the 3rd respondent herein not to harass the petitioner in any manner except by due process of law, based on the representation dated 03.02.2021.

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.29 of 2021 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, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

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Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
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Anna Nagar-600 040.

3.The Inspector of Police,
K-8, Police Station,
Arumbakkam, Chennai-600 106.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Sunil Kumar, Advocate SR.9382

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RSI (CO)
CB(12/03/2021)