

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.4522 of 2021

A.Venkatesan, S/o.Ayyakannu

...Petitioner

Versus

1. The Inspector of Police,
All Women Police Station,
Mamalapuram,
Chengalpattu District.

2. The Inspector of Police,
E-4, Kalpakkam Station,
Chengalpattu.

3. Sathiyavani, D/o.Nataraj

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 not to harass the petitioner under the guise of the investigation in pursuant to the petitioner representation dated 08.02.2021.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.M.Mohamed Riyaz
1 & 2 Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This writ petition has been filed seeking for a direction, to direct respondents 1 and 2 not to harass the petitioner under the guise of the investigation in pursuant to the petitioner representation dated 08.02.2021.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

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.11 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 writ petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Mamalapuram,
Chengalpattu District.

2. The Inspector of Police,
E-4, Kalpakkam Station,
Chengalpattu.

3. The Public Prosecutor,
High Court, Madras.

W.P.No.4522 of 2021

GPL(CO)
GN(29/03/2021)