

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3624 of 2021

P.Rajkumar

.. Petitioner

-vs-

1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
Salem Town Police Station,
Salem District.

3.Kandasamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st Respondent to consider the representation of the petitioner dated 28.1.2021 and direct the 2nd respondent not to harass the petitioner without due process of law to secure the ends of justice.

For Petitioner : Mr.K.Kalaikovan

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

ORDER

This Writ Petition has been filed seeking for a direction to direct the 1st Respondent to consider the representation of the petitioner dated 28.1.2021 and direct the 2nd respondent not to harass the petitioner

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 respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.502 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

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
Salem Town Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Kalaikovan, Advocate SR.NO..9717

AKM/10.03.21/2P-5C/

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