

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3928 of 2021

K.Venkatesan

.. Petitioner

-vs-

1. The commissioner of Police
Greater Chennai,
Vepery, Chennai-7.

2.The Inspector of Police,
(Crime), T-10, Thirumullaivoyal Police Station,
Chennai-109.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents not to harass the petitioner except the due process of law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner 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 one Padma Kumar/defacto complainant against the petitioner, petition enquiry is pending in CSR.No.603 of 2019 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.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The commissioner of Police
Greater Chennai,
Vepery, Chennai-7.

2. The Inspector of Police,
(Crime), T-10, Thirumullaivoyal Police Station,
Chennai-109.

3. The Public Prosecutor,
High Court, Madras.

A.SK(15.03.2021)

W.P.No.3928 of 2021

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