

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3935 of 2021

V.Ravindran

.. Petitioner

-vs-

The State Represented by
The Inspector of Police (Crime),
T-10, Thirumullaivayal Police Station,
Thiruvallur District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Mandamus directing the respondent i.e. The Inspector of Police (Crime), Thirumullaivayal Police Station, Thiruvallur District, not to harass the petitioner on the basis of the false complaint given by one Krishnamurthy against me in the guise of enquiry.

For Petitioner : Mr.K.Balakrishnan

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

O RDER

This writ petition has been filed seeking for a direction to the respondent Police not to harass the Petitioner and his family members in the name of enquiry without due process of law.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by one Krishnamurthy, against the petitioner, petition enquiry is pending in C.No.8 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 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 respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5.With the above directions, this Writ Petition is disposed of.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (Crime),
T-10, Thirumullaivayal Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.10578.

GPL (CO)
CSR 18.03.2021

W.P.No.3935 of 2021