

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4309 of 2021

D.Kartheesan

.. Petitioner

Vs.

1. The State Rep. by,
The Inspector of Police,
Central Crime Branch - II,
Anti Grabbing Cell - II, Team -22,
Greater Chennai Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Joint Sub Registrar No.I,
Sub Registrar Office,
Saidapet, Chennai South Registration District,
Chennai - 600 035.

3. Mr.Dayalan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the 1st respondent police not to harass the petitioner in pursuance to the summons dated 28.12.2020 issued by the 1st respondent and in furtherance to the enquiry conducted on 31.12.2020 and 29.01.2021.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent Nos.1 & 2 : Mr.C.Raghavan
Government Advocate

For Respondent No.3 : Mr.R.Chandra Sudan

O R D E R

This Writ Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner in pursuance to the summons dated 28.12.2020 issued by the 1st respondent and in furtherance to the enquiry conducted on 31.12.2020 and 29.01.2021.

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 C.No.30 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Central Crime Branch - II,
Anti Grabbing Cell - II, Team -22,
Greater Chennai Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Joint Sub Registrar No.I,
Sub Registrar Office,
Saidapet, Chennai South Registration District,
Chennai - 600 035.

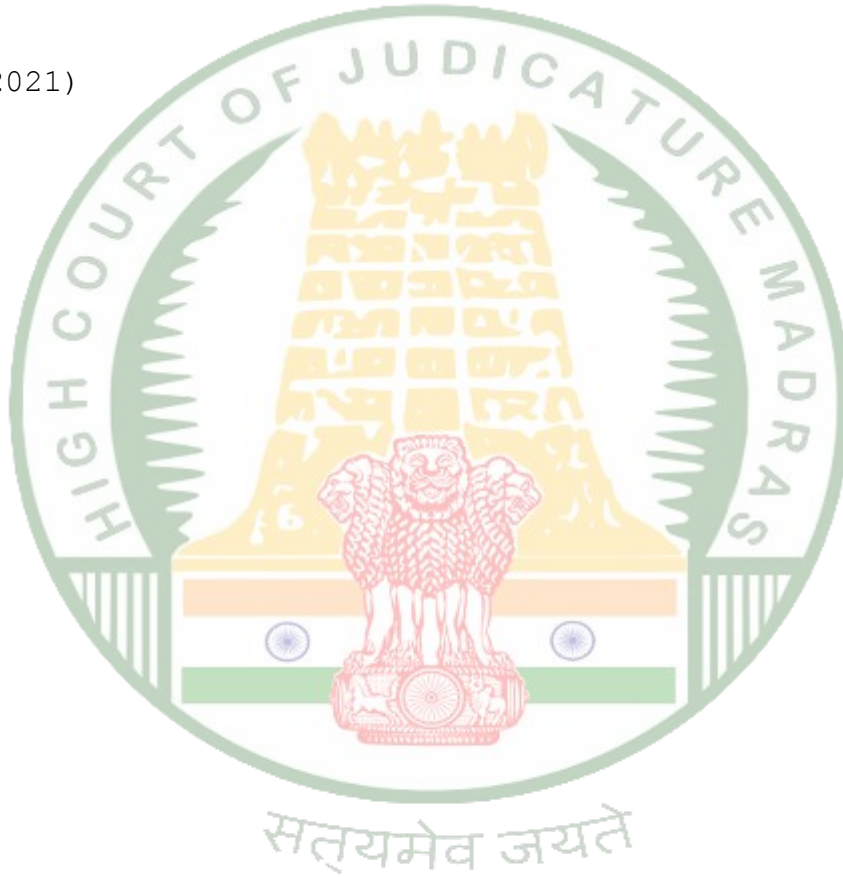
3. The Additional Public Prosecutor,
High Court, Madras

+1 CC to Mr.R.Chandra Sudan, Advocate sr 11153.

+1 Cc to Mr.R.Abdul Mubeen, Advocate sr 11120.

W.P.No.4309 of 2021

PL (CO)
SP(12/03/2021)



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