

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4385 of 2021

K.P.Chandrasekar,
S/o.K.Pandurangan.

.. Petitioner

-vs-

1.State rep. by
The Superintendent of Police,
Chengalpattu,
Chengalpattu District.

2.State represented by
Inspector of Police (Law and Order),
S-5, Police Station, Pallavaram,
Chennai 600 043.

3.Bheema Bai
Legal Aid & Counselling Center for Women &
Children, Affiliated to Dr Bheemaroo Ramji
Educational Trust,
No.52/2, Rajivgandhi Street, Pudhu Nagar,
Mullipakkam 603 105,
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Mandamus directing the 2nd respondent Police not to harass the petitioner on the basis of the complaint lodged by the defacto complainant namely respondent 3 herein.

For Petitioner : Mr.A.M.Ilango
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor,
for RR1 & 2

ORDER

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

2.Heard the 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 R.A.Ajai Ghosh, Founder and President of Bheema Bai Legal Aid and Counselling Center for Women & Children, against the petitioner, petition enquiry is pending in C.No.9 of 2021, on the file of the 2nd 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.VI)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Chengalpattu,
Chengalpattu District.

2.The Inspector of Police (Law and Order),
S-5, Police Station, Pallavaram,
Chennai 600 043.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.M.Ilango, Advocate SR.NO..10653

AKM/17.03.21/ 2P-6C/

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