

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 4623 of 2021

S.Sathya Narayana @ Surendar

... Petitioner

vs.

1. State Rep By.,
The Inspector of Police,
W-32, All Women Police Station,
Chengalpattu District.

2. Mrs.R.Srividya @ Vidya

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent not to harass the petitioner and his family members under the rise of investigation in the odd hours.

For Petitioner : Mr.R.Arunkumar

For Respondents: Mr.C.Raghavan
Government Advocate, for R1

O R D E R

This Writ Petition has been filed seeking for a direction to direct the first Respondent not to harass the Petitioner and his family members in the name of enquiry without due process of law.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

3.The learned Government Advocate appearing for the respondent Police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR.No.13 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 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 respondent 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, the Writ Petition is closed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Inspector of Police,
W-32, All Women Police Station,
Chengalpattu District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to M/s.R.Arunkumar,Advocate Sr.No. 12965

SKY (CO)
RMP (18/03/2021)

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