

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.5707 OF 2021

G.Elizabeth, Wife of Gladson

.. Petitioner

-vs-

1. The Commissioner of Police,
Office of the Commissioner of Police,
The Greater Chennai,
Vepery, Chennai-600 007.
 2. The Inspector of Police (Crime),
R-2, Kodambakkam Police Station,
Kodambakkam, Chennai-600 024.
- .. Respondents

Prayer:-

Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus to direct the respondent police not to harass the petitioner under the guise of the petition enquiry based on the civil dispute between the petitioner and one Mrs.Karpagam, a Private kandhu Vatti Financier.

For Petitioner : Mr.J.Arun Prasad

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

ORDER

This writ petition has been filed seeking for a direction to direct the respondent police not to harass the petitioner under the guise of the petition enquiry based on the civil dispute between the petitioner and one Mrs.Karpagam, a Private kandhu Vatti Financier.

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 CSR.No.279 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, the writ petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
The Greater Chennai,
Vepery, Chennai-600 007.

2. The Inspector of Police (Crime),
R-2, Kodambakkam Police Station,
Kodambakkam, Chennai-600 024.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Arun Prasad, Advocate, S.R.No.14543

W.P.No.5707 of 2021

GPL(CO)
CS/30/03/2021