

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP.NO.5778 OF 2021

Irudhayaraj

... Petitioner

vs.

1. The Deputy Commissioner of Police,
T.Nagar,
Chennai 600 017.
2. The Inspector of Police,
R4 Soundarapandiyanar Police Station,
Pondy Bazaar, T.Nagar.
Chennai 600 017.
3. Vinoth Daniel

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to harass the petitioner herein.

For Petitioner : Mr.L.Karthiga

For Respondents : Mr.C.Raghavan
Government Advocate, for R1 & 2

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 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 respondents 1 & 2.

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.64 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 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 closed.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Deputy Commissioner of Police,
T.Nagar,
Chennai 600 017.
2. The Inspector of Police,
R4 Soundarapandiyanar Police Station,
Pondy Bazaar, T.Nagar.
Chennai 600 017.
3. The Public Prosecutor,
High Court of Madras, Chennai.

+lcc to Mr.L.Karthiga, Advocate, S.R.No.14292

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GPL(CO)
CS/07/04/2021