

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.6158 of 2021

R.Elakkiya

... Petitioner

Versus

The State rep. by
The Inspector of Police,
Vadapalani Police Station,
Chennai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the respondent not to harass the petitioner.

For Petitioner : Mr.K.Sundaramurthy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Petition has been filed to direct to the respondent not to harass the petitioner under the guise of an enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel appearing for the petitioner submits that based on the false complaint lodged by the defacto complainant, the respondent is harassing the petitioner under the guise of an enquiry.

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 for enquiry without even registering an FIR and 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, 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. This Petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Vadapalani Police Station,
Chennai District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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SRA(CO)
CB(06/07/2021)



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