

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6073 of 2021

V.Ramkumar, S/o.K.Vadivel

.. Petitioner

-vs-

The State represented by
The Inspector of Police,
(SCS-I), District Crime Branch,
Kancheepuram District,
Kancheepuram.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondent not to harass the petitioner.

For Petitioner : Mr.S.Balaraman

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

ORDER

This writ petition has been filed to direct the respondent not to harass the petitioner.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C No.55 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 disposed of. No costs.

10.03.2021

Index : Yes/No
Internet : Yes/No

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To

1. The Inspector of Police,
(SCS-I), District Crime Branch,
Kancheepuram District,
Kancheepuram.
2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J.

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