

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7108 of 2021

Keeri @ Magarajan

..Petitioner

vs.

1. The Deputy Superintendent of Police,
Viruthachalam, Cuddalore District.

2. The Inspector of Police,
Viruthachalam Police Station,
Cuddalore District.

..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 in the name of execution of the order in Mu.Mu.(a4) 5267/2018 dated 04.09.2020 passed by Senior Citizen, Parents Maintenance and Welfare Tribunal, Sub Collector, Viruthachalam, Cuddalore District.

For Petitioner : Mr.P.Muthamizh Selvakumar
For Respondents : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner.

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 C.No.841814 of 2020 on the file of the respondents 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 III)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Deputy Superintendent of Police,
Viruthachalam, Cuddalore District.
2. The Inspector of Police,
Viruthachalam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras

+1 cc to M/s.P.Muthamizh Selvakumar, Advocate Sr.No.17934

SR II (CO)
KKV/21/06/2021

सत्यमेव जयते

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