

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.7283 of 2021

Sanjay Kumar Surana,
S/o. Late P.C.Surana

.. Petitioner

Vs.

1. The State Rep. By
The Inspector of Police,
Law and Order, R-3, Police Station,
Ashok Nagar, Chennai.

2. The State Rep. By
The Inspector of Police,
Crime, R-3, Police Station,
Ashok Nagar, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 herein to not to harass the petitioner.

For Petitioner : Mr.G.Gokul

For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This writ Petition has been filed to direct the Respondents 1 and 2 herein not to harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate for the respondents 1 and 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.196 of 2021 on the file of the respondent police.

4.The petitioner is directed to cooperate 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 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, third 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. With the above directions, the this writ petition is closed. No Costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Law and Order, R-3, Police Station,
Ashok Nagar, Chennai.
2. The Inspector of Police,
Crime, R-3, Police Station,
Ashok Nagar, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Surya, Advocate Sr No.18317

W.P.No.7283 of 2021

PMK(CO)
RG.21.04.2021

सत्यमेव जयते

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