

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.6548 of 2021

Kavitha Gunasekaran, W/o.Gunasekaran

.. Petitioner

vs.

1. The Director General of Police,
Mylapore, Chennai.
 2. The Superintendent of Police,
Chengalpet District.
 3. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpet District.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to forbear the 3rd respondent from conducting 'kattapanchayat' and from harassing the petitioner and threatening her and her family members to vacate the property at L.I.G. B-54, Kambar Steet, NH-II, Maraimalai Nagar, Chengalpet District-603 209, without any due process of law, the petitioner's representation dated 26.02.2021 sent by RPAD and received by the respondents.

For Petitioner : Ms.Deepa Harigovind
For Respondents : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This writ petition has been filed for a direction to the 1st and 2nd Respondents to forbear the 3rd respondent from conducting 'kattapanchayat' and from harassing the petitioner and threatening her and her family members to vacate the property at L.I.G. B-54, Kambar Steet, NH-II, Maraimalai Nagar, Chengalpet District-603 209, without any due process of law, the petitioner's representation dated 26.02.2021 sent by RPAD and received by the respondents.

2. Heard : Ms.Deepa Harigovind, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

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 CSR.No.406 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 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 direction, this writ petition is closed.
No costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The Director General of Police,
Mylapore, Chennai.

2. The Superintendent of Police,
Chengalpet District.

3. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpet District.

4. The Public Prosecutor,
High Court, Madras.

+3CC TO M/S.DEEPA HARIGOVIND, ADVOCATE, SR.NO. 16412

W.P No.6548 of 2021
15.03.2021

GPL (CO)
KKN 19.04.2021