

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6680 of 2021

A.Geoffrey Anthony,
S/o.A.A.Dass

.. Petitioner

-vs-

1. The State Represented by
Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai-600 023.
2. The Assistant Commissioner of Police,
Ayanavaram Range,
O/o. Asst. Commissioner of Police,
Secretariat Colony, Kilpauk,
Chennai-600 010.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Greater City of Chennai,
EVK Sampath Road, Vepery,
Chennai-600 007.
4. Mrs.Anthoniammal,
W/o.P.S.Balan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondent not to harass the petitioner and his family members on the complaint lodged by Mrs.Anthoniammal the 4th respondent herein in unknown crime Number on the file of the 1st respondent/Inspector of Police, K2, Ayanavaram Police Station, Chennai-600 023.

For Petitioner : M/s.K.Udayakumar

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This writ Petition has been filed to direct the respondent police not to harass the petitioner and his family members based on the complaint lodged by Mrs.Anthoniammal the 4th respondent herein.

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 CSR.No.47 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 closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KAL

To

1. The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai-600 023.

2. The Assistant Commissioner of Police,
Ayanavaram Range,
O/o. Asst. Commissioner of Police,
Secretariat Colony, Kilpauk,
Chennai-600 010.

3. The Commissioner of Police,
O/o. The Commissioner of Police,
Greater City of Chennai,
EVK Sampath Road, Vepery,
Chennai-600 007.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Udayakumar, Advocate, S.R.No.16629

W.P.No.6680 of 2021

PL(CO)
TE(20/04/2021)



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