

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7123 of 2021

Rajendran

.. Petitioner

-VS-

1.The Director General of Police,
No.4, Dumas Street,
Pondicherry.

2.The Senior Superintendent of Police (Law and Order),
Police Complex,
Orleanpet,
Pondicherry.

3.The Superintendent of Police (CBCID),
CID Complex,
Beach Road,
Pondicherry.

4.The Inspector of Police (CBCID),
No.9, Dr.Colony Road,
Sanjay Gandhi Nagar,
Pudupalayam,
Pondicherry.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 4th Respondent not to harass the petitioner, appreciating the facts and circumstances of the case by considering the petitioner's representation dated 27.02.2021.

For Petitioner : Mr.V.Iyyappan

For Respondents : Mr.V.Balamurugane
Additional Public Prosecutor
(Puduchery)

ORDER

This Writ Petition has been filed seeking for a direction to direct the 4th Respondent not to harass the petitioner, by considering the petitioner's representation dated 27.02.2021.

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

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 Petition No.43 of 2020 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, this writ petition is closed. No Costs.

Index : Yes/No
Internet : Yes/No
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22.03.2021

WEB COPY

N.ANAND VENKATESH,J.

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To

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Sanjay Gandhi Nagar,
Pudupalayam, Pondicherry.
- 5.The Public Prosecutor,
High Court, Madras.

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