

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.8950 OF 2021

S.Rajesh Kumar,
S/o.V.Subash

.. Petitioner

..Vs..

The State Rep. By
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram Puducherry Road,
Villupuram District.

.. Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent police officials not to harass the petitioner in connection with civil dispute of recovery of property title deeds deposited in private housing finance.

For Petitioner : Mr.T.Sundaravadanam

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

O R D E R

This writ Petition has been filed to direct the respondent police officials not to harass the petitioner in connection with civil dispute of recovery of property title deeds deposited in private housing finance.

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

3.The learned Additional Public prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant viz., one Subash against the petitioner, petition enquiry is pending in CSR.No.443 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 VII)

//True Copy//

Sub Assistant Registrar

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To

1. The State Rep. by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram Puducherry Road,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.23045

W.P.No.8950 of 2021

PPA(CO)
CS/01/07/2021

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