

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7919 of 2021

E.Parameswaran

.. Petitioner

-vs-

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.

2.The Inspector of Police,
S-15, Selayur Police Station,
Selayur, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Mandamus directing the 2nd respondent not to harass the petitioner in the name of petition enquiry by considering the petitioner representation dated 08.03.2021.

For Petitioner : Mr.V.C.Vinoth Kumar
For Respondents : Mr.C. Raghavan
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the the 2nd respondent Police not to harass the petitioner in the name of petition enquiry by considering the petitioner's representation dated 08.03.2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents.

3.The learned Government Advocate, appearing for the respondents police submits that on the complaint given by one Devakadacham and his wife S.Ranjitham Devan, against the petitioner, petition enquiry is pending in C.No.33 of 2021, on the file of the second respondent police.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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 respondent is 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 disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.

2.The Inspector of Police,
S-15, Selayur Police Station,
Selayur, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V.C. Vinoth Kumar, Advocate sr 20906.

W.P.No.7919 of 2021

SSN(CO)
SP(26/05/2021)