

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No. 8734 of 2021

T. Lakshmieekanth

... Petitioner

-vs-

1. The Commissioner of Police,
Salem City,
Sankagiri Main Road,
Annadanapatti,
Salem - 636 002.
2. The Deputy Commissioner of Police,
Crime and Traffic,
Office of Commissionre of Police,
Salem City, Salem.
3. The Inspector of Police,
Shevapet Police Station,
Salem City, Salem.
4. Manikandan
5. Venkatesh

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the 4th respondent from harassing the petitioner based on the false and frivolous complaint if any lodged by the 5th respondent which is pending on the file of the 3rd respondent.

For Petitioner : Mr.M. Gopi

For Respondents

1 to 3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner and his family members in the name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Criminal Side) appearing on behalf of the respondents 1 to 3.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents police submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in Crime No.1019 of 2020 on the file of the Inspector of Police, Shevapet Police Station, Salem City, Salem for the offences under Sections 406 and 506(i) of IPC and now another complaint given by one Venkatesan in Crime No.1032 of 2020 for the offences under Sections 420 and 506(i) of IPC against the petitioner.

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 disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msm

To

1. The Commissioner of Police,
Salem City, Sankagiri Main Road,
Annadanapatti, Salem - 636 002.
2. The Deputy Commissioner of Police,
Crime and Traffic,
Office of Commissionre of Police,
Salem City, Salem.

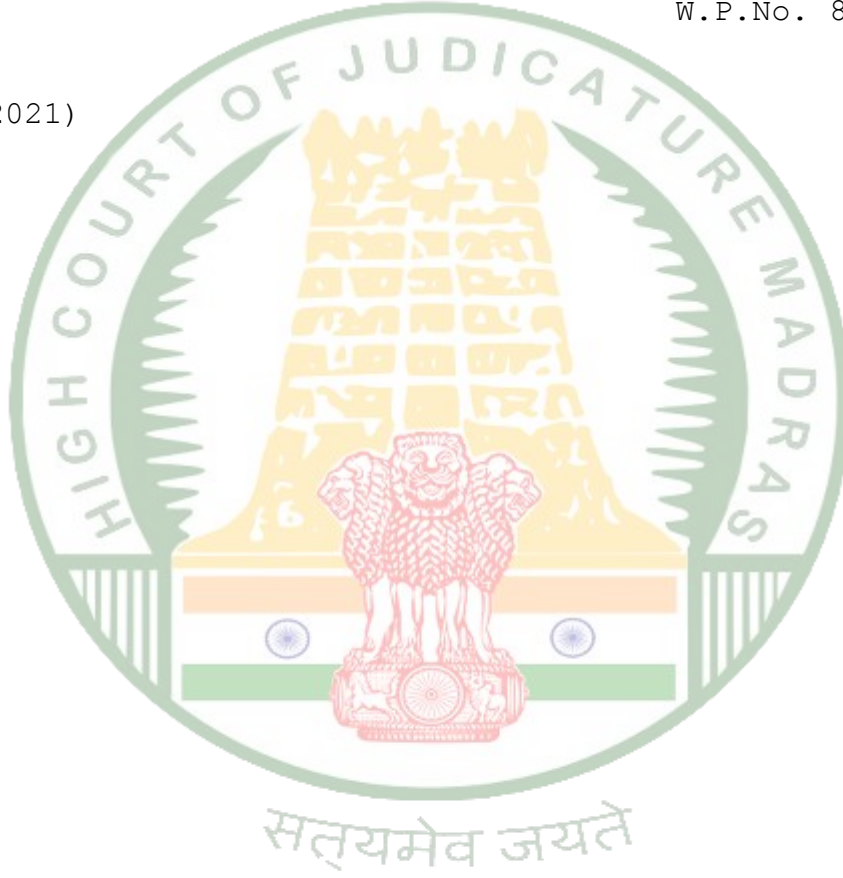
3. The Inspector of Police,
Shevapet Police Station,
Salem City, Salem.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M. Gopi, Advocate sr 23639.

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SMI (CO)
SP(06/07/2021)



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