

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.8910 of 2021

K.Anbumani

... Petitioner

Versus

1.The Deputy Commissioner of Police,
Ambattur,
Chennai.

2.The Inspector of Police,
T-14 Mangadu Police Station,
Mangadu, Chennai.

3.K.Dhanasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, directing the 2nd respondent and this officials not to harass the petitioner and his family members.

For Petitioner : Mr.M.Palanivel

For R1 & R2 : Mr.C.Raghavan,
Government Advocate [Crl. Side]

ORDER

This Writ Petition has been filed to direct the 2nd respondent not to harass the petitioner and his family members.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that on the complaint given by the 3rd respondent against the petitioner, enquiry is pending in C.S.R.No.186 of 2020 on the file of the 2nd respondent Police.

4.It is seen that the 3rd respondent who is none other than the blood brother of the petitioner, has given a complaint against the petitioner to the 2nd respondent Police.

5.The petitioner is directed to co-operate with the 2nd respondent Police for enquiry and at the time of conducting the enquiry, the petitioner shall not be harassed by the 2nd respondent Police. The 2nd respondent 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 the case of "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 2nd respondent is free to register an FIR and this order shall not be a shield for the petitioner against the 2nd respondent proceeding to take action in accordance with law.

6.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vv2

To

1.The Deputy Commissioner of Police,
Ambattur,
Chennai.

2.The Inspector of Police,
T-14 Mangadu Police Station,
Mangadu, Chennai.

3.The Public Prosecutor,
High Court, Madras.

WEB COPY

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RLD (CO)
GMY (23/06/2021)