

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.7571 of 2021

1.S.Selvakumar

2.S.Kasiviswanathan ... Petitioners/Accused

Versus

State by the Inspector of Police,
R.S.Puram Police Station,
Coimbatore District.
C.S.R.No.51/2021
(Crime No.Not known) ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioners in CSR.No.51/2021, dated 18.03.2021 pending on the file of the respondent.

For Petitioners: Mr.M.K.Subramanian

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Petition has been filed seeking for direction to the respondent not to harass the petitioners under the guise of an enquiry.

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

3. The learned counsel appearing for the petitioners submits that the respondent police is harassing the petitioners under the guise of an enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the de facto complainant against the petitioners, enquiry is pending in CSR.No.51 of 2021.

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

6. This Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.M.K.Subramanian, Advocate SR.No.24775

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KJ (CO)
GMY (06/07/2021)

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