

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.7594 of 2021

1.P.B.Haswanth Deva

2.T.Baskaran

3.Renuga Baskaran

... Petitioners

Versus

1.State Represented by
Sub Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

2.Priyanka

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent not to harass the petitioners in furtherance of the complaint made by the second respondent in CSR.No.6/2021 on the file of the first respondent.

For Petitioners : Mr.A.Prabhakaran

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

ORDER

This Petition has been filed seeking for direction to the first 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 first 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.6 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. The police cannot call the petitioners on a regular basis for 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, 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 Sub Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

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

+1cc to Mr.A.Prabhakaran, Advocate, S.R.No.24823

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SVI (CO)
CB(05/07/2021)