

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No. 8328 of 2021

S.Roshan

... Petitioner/Accused

Versus

State represented by,
The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Anna Salai,
Chennai -600006.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioner based on the complaint given by the defacto complainant Mrs.P.Preethi Seles.

For Petitioner : Mr.T.Murali

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

ORDER

The Criminal Original Petition has been filed seeking for a direction to the respondent police, not to harass the petitioner in the name of enquiry.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor (Crl.side) appearing for the respondent police.

3.The learned counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor (Crl.side) appearing appearing for the respondent police submits that on the complaint given by the de-facto complainant against the petitioner, petition enquiry is pending in CSR.No.52 of 2020, dated 12.09.2020.

5.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 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 petitioner against the respondent proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

klr

To

1.The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Anna Salai,
Chennai -600006.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Murali, Advocate SR.No.26481

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BS (CO)
GMY (07/07/2021)