

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10736 of 2021

K.Amudhavalli

... Petitioner

Versus

- 1.The Commissioner of Police,
No.132, Commissioner Police Building,
E.V.K.Sampath Road,
Vepery, Periamet,
Chennai-600 007.
- 2.The Assistant Commissioner of Police,
Egmore High Road,
Egmore, Chennai-600 008.
- 3.The Inspector of Police (Law and Order),
F2, Egmore Police Station,
Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a WRIT OF MANDAMUS or any other Writ, order or direction in the nature of a Writ, directing the 3rd respondent not to harass me and her son namely R.Kishan, under the guise of an enquiry without due process of law, by considering my representation dated 09.04.2021.

For Petitioner : Mr.C.Senepathi

For Respondents : Mr.C.Raghavan,

Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the 3rd respondent not to harass the petitioner and her son namely R.Kishan, under the guise of an enquiry without due process of law, by considering the representation dated 09.04.2021.

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

3.The learned Government Advocate (Crl. Side) appearing for the respondents submits that on the complaint given by the

defacto complainant against the son of the petition, enquiry is pending in C.S.R.No.175 of 2021 on the file of the 3rd respondent police.

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 3rd respondent is free to register an FIR and this order shall not be a shield for the petitioner against the 3rd respondent proceeding to take action in accordance with law.

5.With the aforesaid directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
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- 2.The Assistant Commissioner of Police,
Egmore High Road,
Egmore, Chennai-600 008.
- 3.The Inspector of Police (Law and Order),
F2, Egmore Police Station,
Chennai-600 008.
- 4.The Public Prosecutor,
High Court, Madras.

W.P.No.10736 of 2021

RGN(CO)
GN(06/07/2021)