

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8004 of 2021

Haridoss

... Petitioner

Versus

- 1.State, Rep. by,
The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
 - 2.State, Rep. by,
The Deputy Superintendent of Police,
Vandavasi,
Thiruvannamalai District.
 - 3.State, Rep. by,
The Sub Inspector of Police,
Kil Kodungalur Police Station,
Vandavasi Taluk,
Thiruvannamalai District.
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent Police not to harass the petitioner on the basis of the false complaints lodged by the defacto complainant namely Karthikeyan son of Subramani.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent Police not to harass the petitioner on the basis of the false complaint lodged by the defacto complainant namely Karthikeyan son of Subramani.

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

3.The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending 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 respondents proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Vandavasi,
Thiruvannamalai District.
- 3.The Sub Inspector of Police,
Kil Kodungalur Police Station,
Vandavasi Taluk,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8004 of 2021

UM (CO)
A.SK(06.07.2021)