

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.8346 of 2021

1.V.Prabakaran
2.S.Veeraraghavan ... Petitioners/ Accused1&2
Versus

1.The State of Tamil Nadu, rep.by,
The Inspector of Police,
B-2 Esplanade Police Station,
Flower Bazaar,
Chennai.

2.The Assistant Commissioner of Police,
Law and Order,
High Court Campus,
Chennai - 600 014. ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent-police and their men not to harass the petitioners/accused 1 & 2 in connection with the First Information Report bearing FIR.No.114 of 2021, pending on the file of B2, Esplanade Police Station, Flower Bazaar, Chennai - 600 104, dated 09.04.2021, except under the due process of Law.

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondents not to harass the Petitioners and their family members in the name of enquiry without due process of law.

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

3.The learned Additional Public Prosecutor (Crl.side) appearing for the respondents-police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in Crime No.114 of 2021 on the file of the first respondent police.

4.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 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 respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
The State of Tamil Nadu, rep.by,
B-2 Esplanade Police Station,
Flower Bazaar,
Chennai.

2.The Assistant Commissioner of Police,
Law and Order,
High Court Campus,
Chennai - 600 014.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Brindha, Advocate SR.No. 26834

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A.SK(09.06.2021)