

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9723 of 2021

S.Mansur

... Petitioner

Vs

1.The Commissioner of Police
O/o. The Commissioner of Police
No.132, Commissioner Office Building
EVK Sampath Road, Vepery.
Periampet, Chennai 600 007.

2.The Deputy Commissioner of Police
O/o. The Deputy Commissioner of Police
6th Avenue, P Block, Anna Nagar
Chennai 600 040.

3.The Inspector of Police,
Crime Branch
V-5, Police Station
Tirumangalam, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to
direct the third respondent to not to harass the petitioner and his family
members, under the guise of enquiry or any such other thing.

For Petitioner : Mr. A.Rajamohamed
For Respondents : Mr. A.Damodaran,
Counsel for Government of Tamil
Nadu (Crl.side)
* * * * *

ORDER

This Criminal Original Petition has been filed to direct the third respondent to not to harass the petitioner and his family members, under the guise of enquiry or any such other thing.

2.Heard learned counsel for the petitioner and the learned counsel for the Government of Tamilnadu (Crl.Side).

3.The learned counsel for the Government of Tamilnadu (Crl.Side) submits that on the complaint given by the defacto complainant against the petitioner, enquiry is pending in C.No.100 of 2021 on the file of the third respondent police.

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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 respondents are 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 dismissed.

03.06.2021

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N.SATHISH KUMAR, J

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To

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3.The Inspector of Police,
Crime Branch
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4. The Public Prosecutor,
High Court, Madras.



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