

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18602 of 2020

V.C.Maniraj,
S/o.Chinnaraju.

.. Petitioner

-vs-

1. The Superintendent of Police,
O/o.Superintendent of Police,
Namakkal District,
Namakkal.

2. The Inspector of Police,
Economic Offences Wing,
Namakkal 637 003.

..Respondents.

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd Respondent Police not to harass the Petitioner under the guise of enquiry.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondent police not to harass the Petitioner in the name of enquiry without due process of law.

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

3.The learned Additional Public Prosecutor appearing for the respondents Police submitted that on the complaint given by one Duraiswamy against the petitioner, petition enquiry is pending in C.No.2943 of 2020 on the file of the 2nd 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 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 closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Namakkal District,
Namakkal.

2. The Inspector of Police,
Economic Offences Wing,
Namakkal 637 003.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18602 of 2020

SSD(CO)
RMP(05/02/2021)