

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.20205 OF 2020

1.R.Kishan

2.K.S.Rajan

...Petitioners

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai 600 007.

2. State rep.by
The Inspector of Police,
Royapettah Police Station,
Chennai.

3. R.S.Parthiban

...Respondents

(Impleaded the de facto complainant as 3rd respondent
Crl.MP.No.235 of 2021 in Crl.OP.No.20205 of 2020 vide
order dt.18.01.2021 by NAVJ)

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the respondents not to harass the petitioners herein
in by appreciating the above stated facts and circumstances.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.C.Raghavan
Government Advocate
for R 1 & R 2

Mr.V.K.Sathiamurthy
for R 3

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioners.

* 2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.829 of 2020 on the file of the 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(CS III)

03.02.2021

* Corrected as per order dated
09.02.2021 made in CrI.O.P.No.20205 of 2020

Sd/-

Assistant Registrar (CS IX)

10.02.2021

//True Copy//

Sub Assistant Registrar

KP/SSR

To

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Chennai 600 007.

2. The Inspector of Police,
Royapettah Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

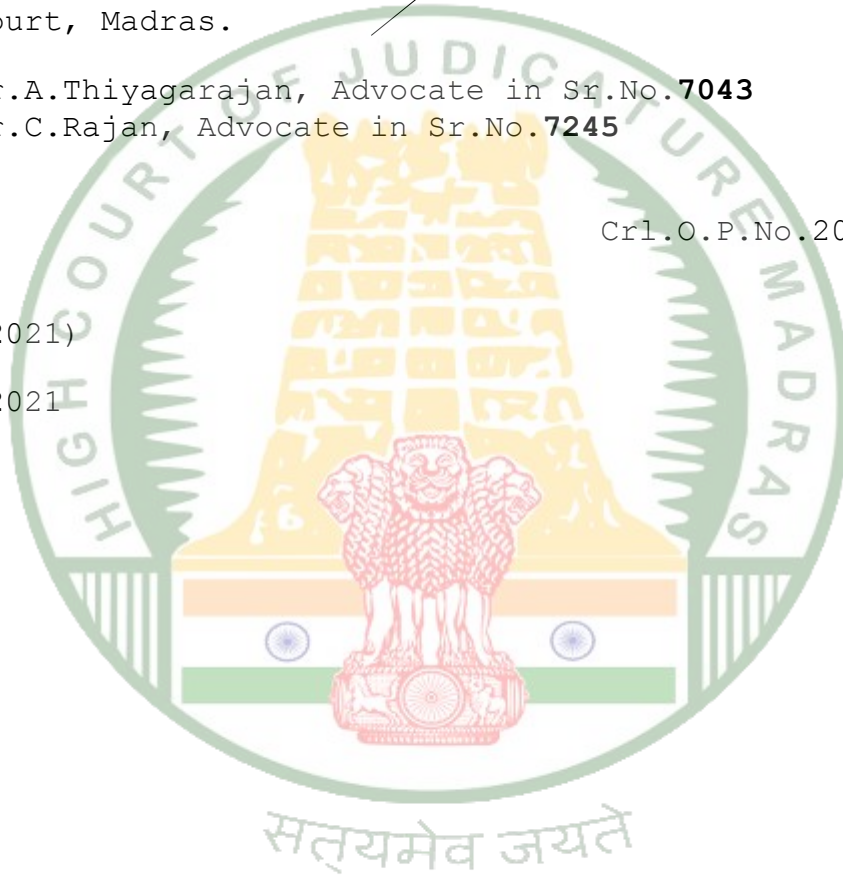
**To be Substituted
Already Despatched on
08.02.2021**

+1cc to Mr.A.Thiyagarajan, Advocate in Sr.No.7043

+2cc to Mr.C.Rajan, Advocate in Sr.No.7245

Cr1.O.P.No.20205 of 2020

RV(CO)
SP(05/02/2021)
EU(CO)
CS/11/02/2021



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