

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.20088 of 2020

N.Rathinasababathy,
S/o.Nagalingam.

.. Petitioner

-vs-

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
Vadakuthu Police Station,
Neyveli.

..Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent herein not to harass the petitioner herein unnecessarily any longer in future to his property issue related with the suicide of P.Gowthaman on the pretext of some enquiry.

For Petitioner : Mr.M.Balaji

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 the defacto complainant against the petitioner, petition enquiry is pending in CSR.No.680 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 (CS-VI)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Vadakuthu Police Station,
Neyveli.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Balaji, Advocate SR.224

CRL.O.P.No.20088 of 2020

BR(CO)
CB(11/02/2021)

WEB COPY