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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.3261 of 2024

1.B.Nishanth

2.Moha S.Rao

...Petitioners

Vs

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

2.The Inspector of Police,
Race Course Police Station,
Coimbatore City,
Coimbatore District.

3.C.Rathishkumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police Not to Harass the Petitioners in the guise of an enquiry on the complaint of the 3rd respondent

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police Not to Harass the Petitioners in the guise of an enquiry on the complaint of the 3rd respondent

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

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.347 of 2024 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***



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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.

15.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
SSR

To

1. The Commissioner of Police,
Coimbatore City, Coimbatore.
2. The Inspector of Police,
Race Course Police Station,
Coimbatore City, Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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