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Crl.OP.No.28884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28884 of 2023

S.Suresh Kumar,
S/o.S.K.Santhanakrishnan

... Petitioner

Vs.

The Inspector of Police,
EOW – II, (HQRS),
CCIW – Team -1,
Ashok Nagar, Chennai – 600 083.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent herein not to harass the petitioner on the guise of enquiry based on the civil dispute between the petitioner and Mrs.Beula Rajakumari.

For Petitioner : Mr.J.Arun Prasad

For Respondent : Mr.A.Gopinath
Government Advocate [Crl.side]

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent herein not to harass the petitioner on the guise of enquiry based on the civil dispute between the petitioner and Mrs.Beula Rajakumari.



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2. Heard Mr.J.Arun Prasad, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for respondent.

3. Learned Government Advocate [Crl.side] appearing for respondent submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.P.No.2 of 15392 on the file of the Superintendent of Police, EOW.

4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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 the case of *Lalitha Kumari Vs. Government of Uttar Pradesh* [reported in **2013 (6) CTC 353**] has enumerated the nature of cases where the preliminary enquiry can be conducted and has also restricted the period, for which, the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.



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With the above directions, the Criminal Original Petition is disposed of.

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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1.The Superintendent of Police,
EOW – II, (HQRS),
CCIW – Team -1,
Ashok Nagar, Chennai – 600 083.

2.The Inspector of Police,
EOW – II, (HQRS),
CCIW – Team -1,
Ashok Nagar, Chennai – 600 083.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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