

# G.Kirubhakaran vs The Deputy Superintendent Of Police on 2 July, 2019

**Author: N.Anand Venkatesh**

**Bench: N.Anand Venkatesh**

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.15907 of 2019

1. G.Kirubhakaran
2. Govindan

- vs -

1. The Deputy Superintendent of Police,  
Kancheepuram Town,  
Kancheepuram District,
2. State Rep. by  
Inspector of Police,  
Baluchetty Chathiram Police Station,  
Kancheepuram District.

Prayer: Criminal Original petition is filed under Section 482 of Criminal Code, to direct the respondent not to harass the petitioner in any manner.

For Petitioners	: Mr. A.Saranraj
For Respondents	: Mr.M.Mohamed Riyaz Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner in any manner.

2.Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondents.

<http://www.judis.nic.in>

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.No.71 of 2019 on the file of the respondent police.

4.The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and 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, second 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.

5.With the above directions, the Criminal Original Petition is closed.

02.07.2019 Speaking Order/Non-Speaking Order Index :Yes/No Internet : Yes/No ssr  
<http://www.judis.nic.in> To

1. The Deputy Superintendent of Police, Kancheepuram Town, Kancheepuram District,
2. The Inspector of Police, Baluchetty Chathiram Police Station, Kancheepuram District.
3. The Public Prosecutor, High Court, Madras.

<http://www.judis.nic.in> N.ANAND VENKATESH,J.

ssr 02.07.2019 <http://www.judis.nic.in>