



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17789 of 2020

1.V.Murugan
2.Selvi

...Petitioners

Vs.

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

2. The Investigation Officer,
Sub-Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore District.

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, directing the respondents not to harass the petitioners under the guise of enquiry upon the complaint lodged by one Mr.Sundarrajan.

For Petitioners : Mr.J.Bharathi Raja

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioners in the name of enquiry without due process of law.

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 submit that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C. No.266 of 2020 on the file of the second respondent.

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4.The petitioners are directed to co-operate 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 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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5.The Criminal Original Petition is closed with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

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

2. The Investigation Officer,
Sub-Inspector of Police,
Anti-Land Grabbing Special Cell,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Bharathiraja, Advocate SR.268

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