

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.17983 of 2020

S.Dhakishnamoorthy,  
S/o.Srirangapathar.

.. Petitioner

-vs-

State represented by  
The Inspector of Police,  
Annadanapatty,  
Salem City,  
Salem District.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent not to harass the Petitioner and pass orders.

For Petitioner : Mr.K.Balasubramaniam

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondent not to harass the Petitioner and his family members 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 respondent.

3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.206 of 2020 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 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

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,  
Annadanapatty,  
Salem City,  
Salem District.

2. The Public Prosecutor,  
High Court, Madras.

CRL.O.P.No.17983 of 2020

SSD(CO)  
RMP(05/02/2021)