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Crl.O.P.No.2057 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2057 of 2023

K.K.Selvaraj

...Petitioner

Vs

1.The Assistant Commissioner of
Police, Coymbedu, Chennai.

2.The Inspector of Police,
Coymbedu Police Station,
Chennai District.

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code seeking to direct the second respondent herein not to harass the petitioner in the guise of enquiry on the basis of the petitioner's representation dated 09.1.2023 made to the first respondent herein.

For Petitioner	:	Mr.G.Mageshkumar
For Respondents	:	Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner in the name of



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enquiry.

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2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 336/DC/KBD/COP/2022 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 respondent police is free to register an FIR and this order shall not be a shield for the petitioner against the respondent police proceeding to take action in accordance



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with law.

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

18.7.2023

Speaking Order : Yes/No
Index :Yes/No
Internet : Yes/No

To

- 1.The Assistant Commissioner of Police, Coymbedu, Chennai.
- 2.The Inspector of Police, Coymbedu Police Station, Chennai District.
- 3.The Public Prosecutor, High Court, Madras.

ssr

N.ANAND VENKATESH,J



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