



WEB COPY



Criminal Original Petition Nos.12288 & 12290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition Nos.12288 & 12290 of 2023

1.J.Jothy

2.Ushadevi

3.Kavichithraa Mahalingam Jothy

...Petitioners in
Crl.O.P.No.12288/2023

Saaj Vignesha

...Petitioner in
Crl.O.P.No.12290/2023

Vs

1.The Commissioner of Police,
EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
H3-Tondiarpet Police Station,
Korukkupet, Tondiarpet,
Chennai - 600 081.

3.R.Chinram
Assistant Deputy Superintendent of Police,
Theni District,
Tamil Nadu - 625 321.

4.Padma Vaishika ... Respondents in both Crl.O.Ps.
[R4 impleaded as per orders of this Court in
Crl.M.P.No.9927/2023 in Crl.O.P.No.12288/2023 &
Crl.M.P.No.9930/2023 in Crl.O.P.No.12290/2023]



Criminal Original Petition Nos.12288 & 12290 of 2023

PRAYER : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondents 1 and 2 to provide adequate police protection to the petitioners.

For Petitioners : Mr.A.Shabnam Banu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 & R2]
Mr.Mohana Krishnan
for M/s.M.Raja Kantha [R4]

COMMON ORDER

These petitions have been filed by the husband and in-laws of the fourth respondent seeking for police protection.

2. Heard learned counsel for petitioners and learned Additional Public Prosecutor appearing for respondents 1 and 2 and learned counsel appearing for fourth respondent.

3. These petitions were filed mainly on the ground that the third respondent, who was working as the Assistant Deputy Superintendent of Police is abusing his power and is dragging the entire family to the police station with a view to humiliating them.

4. When the matters were taken up for hearing, it was brought to the



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notice of this Court that the impleaded fourth respondent has already given a complaint before the Inspector of Police, W7 All Women Police Station, Anna Nagar and based on the same, an enquiry has been initiated in CSR No.219 of 2023 dated 07.06.2023. As a consequence, notices have also been sent to petitioners to attend enquiry.

5. In the light of the above development, the petitioners are directed to co-operate with the police for enquiry and at the time of conducting 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 police is free to register an FIR and this order shall not be a shield for the petitioners against the respondent police proceeding to take action in accordance with law.

N.ANAND VENKATESH, J



Criminal Original Petition Nos.12288 & 12290 of 2023

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These Criminal Original Petitions are disposed of in the above terms.

17.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Commissioner of Police,
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Vepery, Chennai - 600 007.

2.The Inspector of Police,
H3-Tondiarpet Police Station,
Korukkupet, Tondiarpet,
Chennai - 600 081.

3.The Public Prosecutor,
High Court, Madras.

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