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Criminal Original Petition No.15036 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Criminal Original Petition No.15036 of 2023**

1.N.Chandra  
W/o.Nallamuthu

2.G.Saravanan  
S/o.Ganesan

3.Tamilselvi  
W/o.Saravanan

...Petitioners

Vs

1.The Inspector of Police,  
O/o.The Inspector of Police,  
District Crime Branch,  
Cuddalore District.

2.M.Vadivelu  
S/o.Mani

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the first respondent not to harass the petitioners and their family members.

For Petitioners : Mr.R.Gopinath

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor [R1]

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**ORDER**

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioners and their family members.

2. Heard learned counsel for petitioners and learned Additional Public Prosecutor appearing on behalf of first respondent.

3. Learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in C.No.4879 of 2023 on the file of the first respondent police.

4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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



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period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the first respondent is free to register an FIR and this order shall not be a shield for the petitioner against the first respondent proceeding to take action in accordance with law.

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

**06.07.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral citation: Yes/No  
gm

To

1. The Inspector of Police,  
O/o. The Inspector of Police,  
District Crime Branch,  
Cuddalore District.

2. The Public Prosecutor,  
High Court, Madras.



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**N.ANAND VENKATESH, J**

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