



Crl.O.P.No.14667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14667 of 2023

K.Kirubakaran

.. Petitioner

VS

The Inspector of Police
Central Crime Branch Police Station,
Salem District.

.. Respondent

Petition filed under Section 482 of CrPC to direct the respondent police, not to harass the petitioner under the guise of investigation in pursuance of the complaint given by Mr.G.Pugalendhi, S/o.Gurusamy, pending on the file of the respondent police.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

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



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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 respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.124/DCP/ACP/CCB/SLM/2023.

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.



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5.With the above directions, the Criminal Original Petition is disposed of.

03.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To:

1.The Inspector of Police
Central Crime Branch Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,J.

ssm

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