



WEB COPY



Crl.O.P.No.15615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15615 of 2023

Adimoolam Balanathan,
Proprietor,
Searock Container Terminal
No.3 (Old No.4) K.G.L.Nagar,
Andal Kuppam Post, Manali New Town,
Manali, Chennai 600 103.

... Petitioner

-Vs-

- 1.The Commissioner of Police,
Avadi.
- 2.The Deputy Commissioner of Police,
Red Hills, Chennai.
- 3.The Inspector of Police,
E3, Minjur Police Station,
TH Road, Ponneri Taluk,
Minjur, Thiruvallur District.
- 4.Ashish Mathur
Director M/s.Transafe Services Ltd.,
(Group of Om Logistics)
No.130, Transport Center
Punjabi Bagh, Delhi - 110 035.

5.Sumit Saraswat



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Area Manager - M/s.Transafe Services Ltd.,
(Group of Om Logistics)
Near Shri Sashta Engineering College
Chennai - Bangalore Highway
Chembararapakkam, Chennai 600 123.

6.Om Logistics Ltd.,
130, Transport Centre,
Punjabi Bagh,
New Delhi 110 035.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to direct the 1st to 3rd respondents not to harass the petitioner at
the instance of the 4th to 6th respondents pending CSR No.268 of 2023
on the file of the 3rd respondent.

For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the
respondents 1 to 3 not to harass the petitioner.

2. Heard learned counsel for petitioner and learned Additional
Public Prosecutor appearing on behalf of respondents 1 to 3.

3. Learned Additional Public Prosecutor appearing for the



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respondents 1 to 3 submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.268 of 2023 on the file of the third 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 period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

N.ANAND VENKATESH, J.



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gm

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

13.07.2023

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

To

- 1.The Commissioner of Police,
Avadi.
- 2.The Deputy Commissioner of Police,
Red Hills, Chennai.
- 3.The Inspector of Police,
E3, Minjur Police Station,
TH Road, Ponneri Taluk,
Minjur, Thiruvallur District.
- 4.The Public Prosecutor,
Madras High Court.

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