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Criminal Original Petition No.14825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.14825 of 2023

R.Vajravelu
S/o.Late Rajagopal Pillai

...Petitioner

Vs

The State represented by
The Inspector of Police,
Poonamallee Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondent police not to harass the petitioner.

For Petitioner : Ms.Rekha Sivakumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner.

2. Heard learned counsel for petitioner and learned Additional Public



Prosecutor appearing on behalf of respondent.

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3. Learned counsel appearing for petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4. Learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending.

5. 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 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, respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent



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proceeding to take action in accordance with law.

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This Criminal Original Petition is disposed of with the above direction.

04.07.2023

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

To

1. The Inspector of Police,
Poonamallee Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J

gm



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