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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14905 of 2023

1.Indira Gandhi
2.Kavipriya

.. Petitioners

Vs.

The state represented by its
The Sub Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.
Respondent

..

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to by exercising its inherent powers under section 482 of Cr.P.C direct the respondent no to harass the petitioners at the time of conducting preliminary enquiry in the above C.No.278/PG HQRS/CBE CITY/2023 on the file of City Crime Branch, Coimbatore.

For Petitioners : Mr.K.S.Murugan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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

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 respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.278/PG/HQRS/CBE City/2023 on the file of the respondent police.

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.

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

05.07.2023

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
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To

1.The Sub Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,J

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