



Crl.O.P.No.16322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16322 of 2023

A.Sathish

...Petitioner

Vs

1.The State of Tamil Nadu, rep.
by the Superintendent of Police,
Erode District, Erode.

2.The Deputy Superintendent of Police,
Erode Sub Division, Erode,
Erode District.

3.The Inspector of Police,
Pallipalayam Police Station,
Erode District.

4.Kandasamy, proprietor of
M/s.Nirmal Texmills

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code praying to direct the respondents not to involve in the civil dispute and harass the petitioner.

For Petitioner : Mr.Charles Kamalesh M.Appaji
For Respondents 1 to 3: Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking to direct the respondents not to involve in the civil dispute and harass the petitioner.

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

3.The learned Additional Public Prosecutor appearing for respondents 1 to 3 submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 213/Camp/SPO/ET/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 - police are free to register an FIR and this order shall not be a shield for the petitioner



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against the respondents - police proceeding to take action in
accordance with law.

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

21.07.2023

Speaking Order : Yes/No

Index :Yes/No

Internet : Yes/No

To

- 1.The Superintendent of Police,
Erode District, Erode.
- 2.The Deputy Superintendent of Police,
Erode Sub Division, Erode,
Erode District.
- 3.The Inspector of Police,
Pallipalayam Police Station,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

gm

N.ANAND VENKATESH,J



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