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[IN THE HIGH COURT OF JUDICATURE AT MADRAS]

DATED : 10.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15091 of 2023

1.Mrs.S.Shiva Karthikeyan
2.Mrs.A.Priya
3.Mr.A.Shakti Eshwar
4.Mr.V.Anandha Kumar

Petitioners

vs.

1.The Assistant Superintendent of Police,
Office of the Assistant Superintendent of Police
Mamallapuram Sub Division,
Kancheepuram District.

2.The Inspector of Police,
All Women Police Station (AWPS)
Mamallapuram Sub Division,
Kancheepuram District.

3.Mrs.Selvi

4.Mr.A.Srinivasan

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police not to harass the petitioners under the guise of enquiry/investigation based up on the complaint given by the 3rd respondent.

For Petitioner : Mr.G.Muruganandam

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1 and R2



ORDER

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This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondents not to harass the petitioners under the guise of enquiry/investigation based up on the complaint given by the 3rd respondent.

2. Heard learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents 1 and 2.

3. The learned Additional Government Advocate (Crl. Side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in CSR.No.96 of 2023 on the file of the respondent police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners against the respondents proceeding to take action in accordance with law.

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

10.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

1. The Assistant Superintendent of Police,
Office of the Assistant Superintendent of Police
Mamallapuram Sub Division,
Kancheepuram District.
2. The Inspector of Police,
All Women Police Station (AWPS)
Mamallapuram Sub Division,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

SSR

Crl.O.P No.15091 of 2023

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