



WEB COPY



Criminal Original Petition No.15176 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Criminal Original Petition No.15176 of 2023**

Mythily,  
D/o.Jayaraman

...Petitioner

Vs

1.The Commissioner of Police,  
Vepery, Chennai.

2.The Inspector of Police,  
H-1, Washermenpet Police Station,  
Chennai.

... Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 2<sup>nd</sup> respondent to not to harass the petitioner except due process of law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor

\*\*\*\*\*



Criminal Original Petition No.15176 of 2023

**ORDER**

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

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

3. Learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.343 of 2023 on the file of the second 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



Criminal Original Petition No.15176 of 2023

period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the second respondent is 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.

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

**10.07.2023**

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

To

- 1.The Commissioner of Police,  
Vepery, Chennai.
- 2.The Inspector of Police,  
H-1, Washermenpet Police Station,  
Chennai.



WEB COPY



Criminal Original Petition No.15176 of 2023

**N.ANAND VENKATESH, J**

gm

**Criminal Original Petition No.15176 of 2023**

**10.07.2023**