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Criminal Original Petition No.15297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15297 of 2023

Kalaiyappan,
S/o.Thiyagaraja Chettiyar

...Petitioner

Vs

The Inspector of Police,
District Crime Branch,
Coimbatore District.

... 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 under the guise of investigation.

For Petitioner : Mr.B.Jawahar

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 under the guise of investigation.

2. Heard learned counsel for petitioner and learned Additional Public



Prosecutor appearing on behalf of respondent.

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3. Learned Additional Public Prosecutor appearing for the respondent submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in C.No.193/Gen/DSP/DC/CBE/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 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 respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

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



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

1. The Inspector of Police,
District Crime Branch,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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