



WEB COPY



Criminal Original Petition No.15349 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.15349 of 2023

1.Khaja Mohideen,
S/o.Syed Ibrahim.

2.Yousouf Sidique,
S/o.Syed Ibrahim.

...Petitioners

Vs

1.The State Rep by,
The Commissioner of Police,
City Commissioner of Police,
Coimbatore, Coimbatore District.

2.The Deputy Commissioner of Police,
City Crime Branch, Coimbatore,
Coimbatore District.

3.The Assistant Commissioner of Police,
City Crime Branch, Coimbatore,
Coimbatore District.

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

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondents 3 and 4 not to harass the petitioners based on the petitioners' representation dated 26.06.2023.



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For Petitioners : Mr.K.Karthik

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 3 and 4 not to harass the petitioners based on the petitioners' representation dated 26.06.2023.

2. Heard learned counsel for petitioners 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 petitioners, petition enquiry is pending in C.No.507/Pg-Cop/Cbe City, dated 07.06.2023 on the file of the fourth respondent police.

4. The petitioners are directed to co-operate with the police for



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enquiry and at the time of conducting 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 fourth respondent is 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.

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

N.ANAND VENKATESH, J



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gm

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