



WEB COPY



CrI.O.P.No.15475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.15475 of 2023

Jayaprakash
Petitioner

...

-Vs-

1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District,
Kallakurichi.

3.Sakaravarthy

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.,
pleaded to direct the 2nd respondent not to harass the petitioner except
due process of law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor [R1 & R2]

ORDER



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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 1 and 2 submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.671 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 period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondent



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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 directions, this Criminal Original Petition is closed.

13.07.2023

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

To

- 1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 2.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District,
Kallakurichi.
- 3.The Public Prosecutor,
Madras High Court.

N.ANAND VENKATESH, J.

gm



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