



Criminal Original Petition No.15345 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.15345 of 2023

Govindaraju,
S/o.Rajarethinam

...Petitioner

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 petitioner based on the petitioner's representation dated 26.06.2023.



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For Petitioner : 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 petitioner based on the petitioner's representation dated 26.06.2023.

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 C.No.507/Pg-Cop/Cbe City, dated 07.06.2023 on the file of the fourth 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



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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 fourth 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



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N.ANAND VENKATESH, J

gm

To

- 1.The Commissioner of Police,
City Commissioner of Police,
Coimbatore, Coimbatore District.
- 2.The Deputy Commissioner of Police,
City Crime Branch, Coimbatore,
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- 3.The Assistant Commissioner of Police,
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- 4.The Inspector of Police,
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