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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15871 of 2023

1.Jaganathan
2.Saravanakumar

Petitioners

VS.

1.The Commissioner of Police,
Tiruppur City.

2.The Assistant Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Tiruppur City.

3 The Inspector of Police,
Central Crime Branch,
Tiruppur City.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.M.Vijaya Raghavan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 3rd respondent police not to harass the petitioners under the guise of enquiry.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.No.150/CCB/TRP City/22 on the file of the respondent police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of 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 respondents are 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.



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5. With the above directions, the Criminal Original Petition is closed.

17.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

1. The Commissioner of Police,
Tiruppur City.
2. The Assistant Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Tiruppur City.
- 3 The Inspector of Police,
Central Crime Branch,
Tiruppur City.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

SSR

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