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CrI.OP.No.15961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.15961 of 2023

Jeffin Meishak,
S/o.Joseph Thangadurai

... Petitioner

Vs.

1. State represented by
The Commissioner of Police,
Tambaram Police Commissionerate,
Chennai.

2. The Inspector of Police,
Central Crime Branch,
Document & Forgery Wing,
Tambaram City Police,
Sholinganallur, Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police officials not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.J.Joseph Zinson

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.

<https://www.mhc.tn.gov.in/judis>

2. Heard learned counsel for petitioner and learned Additional Public



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Prosecutor appearing on behalf of respondents.

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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.31/DC CCB-TBM/COP(T)/2023 dated 10.07.2023 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.



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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Commissioner of Police,
Tambaram Police Commissionerate,
Chennai.
2. The Inspector of Police,
Central Crime Branch,
Document & Forgery Wing,
Tambaram City Police,
Sholinganallur, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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