



Crl.O.P.No.16240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.7.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16240 of 2023

V.Manikandan

...Petitioner

Vs

1.State rep.by
the Inspector of Police,
All Women Police Station,
Chitlapakkam, Selaiyur Range,
Chengalpattu District.

2.G.Jagadeswari

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code seeking to direct the respondent police not to harass the petitioner in Crime No. unknown of 2023 based on the foisted complaint lodged by the defacto complainant on the file of the respondent police station without adhering to the mandatory provisions of law.

For Petitioner	:	Mr.I.Prakash Raj
For Respondent-1	:	Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct



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the first respondent not to harass the petitioner in Crime No. unknown of 2023 based on the foisted complaint lodged by the defacto complainant - second respondent on the file of the first respondent without adhering to the mandatory provisions of law.

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

3.The learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the defacto complainant - second respondent against the petitioner, petition enquiry is pending in C.S.R.No.285/2023 on the file of the first respondent.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of 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



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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 first respondent - police is free to register an FIR and this order shall not be a shield for the petitioner against the first respondent - police proceeding to take action in accordance with law.

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

20.7.2023

Speaking Order : Yes/No
Index : Yes/No
Internet : Yes/No

To

1. The Inspector of Police,
All Women Police Station,
Chitlapakkam, Selaiyur Range,
Chengalpattu District.

2. The Public Prosecutor,
High Court, Madras.

ssr

N.ANAND VENKATESH,J



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