



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16114 of 2023

Association of University Teachers (Regd) Tamil Nadu
Rep. by its General Secretary Dr.M.Krishnaraj
No.134, Rama Lane,
Nungambakkam,
Chennai - 600 034.

.. Petitioner

Vs.

1. The Commissioner of Police,
Office of Commissioner of Police,
No.132, E.V.K.Sampath Road, Vepery,
Periamet, Chennai - 600 007.

2. The Inspector of Police,
F3, Law and Order,
Nungambakkam Police Station,
Nungambakkam,
Chennai - 600 034.

3. Dr.R.Saravanan
General Secretary,
Faculty of History,
Pachaiyappas' College for Men,
Chennai - 600 030.

... Respondents



WEB COPY

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner by appreciating the facts and circumstances of the case.

For Petitioner : Mr.V.Stalin

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioners in the name of enquiry without due process of law.

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 petitioner, petition enquiry is pending in CSR No.282 of 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 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 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 petitioner against the respondents proceeding to take action in accordance with law.

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

19.07.2023

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
rka

To



1. The Commissioner of Police,
Office of Commissioner of Police,
No.132, E.V.K.Sampath Road, Vepery,
Periamet, Chennai - 600 007.
2. The Inspector of Police,
F3, Law and Order,
Nungambakkam Police Station,
Nungambakkam,
Chennai - 600 034.
3. Dr.R.Saravanan
General Secretary,
Faculty of History,
Pachaiyappas' College for Men,
Chennai - 600 030.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



5

N. ANAND VENKATESH,J

rka

Crl.O.P.No.16114 of 2023

19.07.2023