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Crl.O.P.No.16360 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16360 of 2023

P.Dhinakaran

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
S3 Police Station,
Natrampalli,
Natrampalli Taluk,
Thirupathur District.

2.M.K.Shanmugam

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code to direct the first respondent not to harass the petitioner in the name of enquiry without due process of law.

For Petitioner
For Respondent-1

: Mr.S.Arokia Mani Raj
: Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the first respondent not to harass the petitioner in the name of enquiry without due process of law.



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

3.The learned Additional Public Prosecutor for the first respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.312 of 2023 dated 26.6.2023 on the file of the first 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 first respondent is free to register an FIR and this order shall not be a shield for the petitioner against the first respondent proceeding to take action in accordance with law.



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

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

To

1. The Inspector of Police,
S3 Police Station,
Natrampalli,
Natrampalli Taluk,
Thirupathur District.

2. The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

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