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Crl.O.P.No.17113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17113 of 2023

V.Ramaiya

.. Petitioner

Versus

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Milk Diary Police Station,
Madhavaram,
Chennai.
 2. The Assistant Commissioner of Police,
Asst. Commissioner's Office,
Red-Hills,
Chennai - 600 052.
 3. The Inspector of Police (Crime),
M.4, Red-Hills Police Station,
Chennai - 600 052.
- .. Respondents**

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents not to harass the petitioner without due processes of law by consider the representation of the petitioner, dated 13.07.2023 to secure the ends of justice.

For Petitioner : Mr.K.Nagarajan



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For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner without due processes of law by considering the representation of the petitioner, dated 12.07.2023 to secure the ends of justice.

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

3 .The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.56 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 F.I.R and the



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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 F.I.R 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 disposed off.

31.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Milk Diary Police Station,
Madhavaram,
Chennai.
2. The Assistant Commissioner of Police,
Asst. Commissioner's Office,



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Red-Hills,
Chennai - 600 052.

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N.ANAND VENKATESH, J.

grs

4. The Public Prosecutor,
High Court of Madras.

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31.07.2023