



Crl.O.P.No.17310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17310 of 2023

Rajalakshmi
W/o.Dharani

.. Petitioner

Vs.

State rep. by

1) The Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur, Chennai – 600 118.

2) The Deputy Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur, Chennai – 600 118.

3) The Inspector of Police,
Central Crime Branch (TNPID)
Tambaram, Office at Sholinganallur,
Chennai – 600 118.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents 2 and 3 not to harass the petitioner based on the representation dated 07.07.2023 under the guise of enquiry.

For Petitioner : Mr.A.P.Sathya Murthy

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the respondents 2 and 3 not to harass the petitioner.

2. Heard Mr.A.P.Sathya Murthy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

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 Current Paper No.953 of 2023 on the file of the third 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



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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.

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

03.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur, Chennai – 600 118.
2. The Deputy Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur, Chennai – 600 118.
3. The Inspector of Police,
Central Crime Branch (TNPID)
Tambaram, Office at Sholinganallur,
Chennai – 600 118.
4. The Public Prosecutor
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

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