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CrI.O.P.No.16371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.16371 of 2023

K.Sundaramoorthy

...Petitioner

Vs.

1.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Chennai-7.

2.The Inspector of Police,
H5 Police Station,
Tondiarpet, Chennai-81.

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent not to harass the petitioner under the guise of enquiry in any manner except by due process of law pursuant to the representation dated 11.7.2023.

For Petitioner
For Respondents

: Mr.B.Sanjay Balachandar
: Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner under the guise of enquiry in any manner except by due process of law pursuant to the representation dated 11.7.2023.

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

3.The learned Additional Public Prosecutor for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.3835/COP/Visitors/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



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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.

21.07.2023

Speaking Order : Yes/No

Index : Yes/No

Internet : Yes/No

To

1.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Chennai-7.

2.The Inspector of Police,
H5 Police Station,
Tondiarpet, Chennai-81.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

gm

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