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CrI.O.P.No.16484 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.16484 of 2023

1.Ms.Tharani Shree
2.Mrs.Jayanthi
3.Ms.Saranya

...Petitioners

Vs.

The State Represented by
The Inspector of Police (Crime),
K3 Aminjikarai Police Station,
III Avenue, Shenoy Nagar,
Anna Arch Road, NSK Nagar,
Arumbakkam, Chennai-106.

...Respondent

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent not to harass the petitioners and her family herein under the guise of enquiry based on the representation dated 18.7.2023 on the file of the respondent police.

For Petitioners
For Respondent

: Mr.K.M.Mrithunjayan
: Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the



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respondent not to harass the petitioners and her family herein under the guise of enquiry based on the representation dated 18.7.2023 on the file of the respondent police.

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

3.The learned Additional Public Prosecutor for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R.No.402 of 2023 on the file of the respondent - police.

4.The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the



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respondent proceeding to take action in accordance with law.

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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 Inspector of Police (Crime),
K3 Aminjikai Police Station,
III Avenue, Shenoy Nagar,
Anna Arch Road, NSK Nagar,
Arumbakkam, Chennai-106.

2.The Public Prosecutor,
High Court, Madras.

gm



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N.ANAND VENKATESH,J

gm

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