



CrI.O.P.No.16517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.7.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16517 of 2023

1.G.S.Shivasuriya

2.C.V.Kiruthika

...Petitioners

Vs.

1.The Superintendent of Police,
Coimbatore City, Coimbatore
District.

2.The Sub-Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore City, Coimbatore District.

3.S.Lakshmanan

..Respondents

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code praying to direct the 1st and 2nd respondents not to harass the petitioners based on the false complaint given by the 3rd respondent.

For Petitioners : Mr.A.Saravanan
For Respondents 1 & 2 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct respondents 1 and 2 not to harass the petitioners in the name of



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enquiry.

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2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for respondents 1 and 2.

3. The learned Additional Public Prosecutor appearing for respondents 1 and 2 submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R.No.765 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, respondents 1 and 2 are free to register an FIR and this order shall not be a shield for the petitioners against respondents 1 and 2 proceeding to take action in accordance



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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 Superintendent of Police,
Coimbatore City, Coimbatore
District.
- 2.The Sub-Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore City, Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

ssr

N.ANAND VENKATESH,J

ssr



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