



CrI.O.P.No.16957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.7.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16957 of 2023

Chidambaram

...Petitioner

Vs.

1.The Deputy Superintendent of
Police, Cuddalore District,
Cuddalore-606110.

2.The Inspector of Police,
Karuveppilankurichi Police
Station, Cuddalore District.

...Respondents

Prayer: Criminal Original petition under Section 482 of the Criminal Procedure Code praying to direct the second respondent not to harass the petitioner herein on the basis of the complaint given by Mr.Dheenadhayalan without following due process of law.

For Petitioner	:	Mr.C.R.Malarvannan
For Respondents	:	Mr.A.Damodaran Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the the second respondent not to harass the petitioner herein on the basis



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of the complaint given by Mr.Dheenadhayalan without following due process of law.

2. Heard 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.S.R.No.339 of 2023 on the file of the second respondent.

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 second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the second respondent proceeding to take action in accordance with law.

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

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Index : Yes/No
Speaking Order : Yes/No

To

1.The Deputy Superintendent of Police,
Cuddalore District, Cuddalore.
606110.

2.The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

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