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Crl.O.P.No.16674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.7.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16674 of 2023

1.Devaraj

2.Ishwarya

...Petitioners

Vs.

1.The Superintendent of Police,
Tiruvallur District, Tiruvallur.

2.The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi,
Tiruvallur District.

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code praying to direct the second respondent not to harass the petitioners except under due process of law.

For Petitioners : Mr.K.Thenrajan
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioners in the name of enquiry.



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2. Heard learned counsel for the petitioners 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 petitioners, petition enquiry is pending in C.S.R.No.362 of 2023 on the file of the second respondent.

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 second respondent is free to register an FIR and this order shall not be a shield for the petitioners



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against the second respondent proceeding to take action in accordance with law.

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

26.7.2023

Speaking Order : Yes/No
Index : Yes/No

To

1.The Superintendent of Police,
Tiruvallur District, Tiruvallur.

2.The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi,
Tiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

GRS



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N.ANAND VENKATESH,J

GRS

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