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Crl.O.P.No.17097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17097 of 2023

1. Thiruppathi Arumugam
 2. T.Meenakshi
- .. Petitioners

Versus

1. The Commissioner of Police,
Greater Chennai Police,
132, Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai - 600 007.
 2. The Inspector of Police,
W7, All Women Police Station,
Anna Nagar,
Chennai - 600 040.
- .. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue directing directing the respondents herein not to harass the petitioners on the complaint lodged against them.

For Petitioners : Mr.M.Marudhachalam

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioners in the name of enquiry.

2. Heard Mr.M.Marudhachalam, learned Counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor for the respondents Police submits that on the complaint given by the de-facto complainant against the petitioners, petition enquiry is pending in C.No.10 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 F.I.R 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



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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 F.I.R and this order shall not be a shield for the petitioners against the second respondent proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is disposed off.

31.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy today.

To

1. The Commissioner of Police,
Greater Chennai Police,
132, Commissioner Office Building,
EVK Sampath Road,
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Chennai - 600 007.
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Anna Nagar,
Chennai - 600 040.



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N.ANAND VENKATESH, J.
grs

3. The Public Prosecutor,
High Court of Madras.

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