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CrI.O.P.No.16989 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.16989 of 2023

Thinakaran

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
District Crime Branch (DCB),
Office of the Superintendent of Police,
Cuddalore, Cuddalore District.
601007.

2.The Sub-Inspector of Police,
District Crime Branch (DCB),
Office of the Superintendent of Police,
Cuddalore, Cuddalore District.
601007.

3.C.Kumar

...Respondents

Prayer: Criminal Original petition under Section 482 of the Criminal Procedure Code praying to direct the second respondent - Sub-Inspector of Police, District Crime Branch, Office of the Superintendent of Police, Cuddalore and his officials not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner	:	Mr.R.Venkatesulu
For Respondents 1 & 2	:	Mr.A.Damodaran
		Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to direct the second respondent and his officials not to harass the petitioner and his family members under the guise of enquiry.

2. Heard learned counsel for the petitioner 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 petitioner, petition enquiry is pending in C.No.89/SPGP/DCB/CUD/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 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



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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.

28.7.2023

Index : Yes/No

Speaking Order : Yes/No

To

1.The Deputy Superintendent of Police,
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601007.

2.The Sub-Inspector of Police,
District Crime Branch (DCB),
Office of the Superintendent of Police,
Cuddalore, Cuddalore District.
601007.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

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