



Crl.O.P.No.16942 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.16942 of 2023

1.M.Mohamed Ansar Basha
2.Rajasekar
3.Anbalagan
4.Sathish Kumar

...Petitioners

Vs.

1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi-606202.

2.The Deputy Superintendent of
Police, Office of the Deputy
Superintendent of Police,
Kallakurichi District,
Kallakurichi-606213.

3.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District-606202.

...Respondents

Prayer: Criminal Original petition under Section 482 of the Criminal Procedure Code praying to direct the third respondent police not to harass the petitioners based on the false complaint given by the defacto complainants viz (1) Mr.R.Muniyapillai, S/O Rangasamy; (2) Mrs.Adhilakshmi, W/O Jaganathan; (3) Mrs.Mageshwari, W/O Anandanan; (4) Mr.C.Thangadurai, S/O Chandiran; (5) Mr.T.Kannan, S/O Dhavarasu; (6) Mrs.Shanthi and (7) Mr.Pazhani, S/O Dhavarasu.

For Petitioners : Mr.D.Murugan



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For Respondents :

Mr.A.Damodaran
Additional Public Prosecutor

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ORDER

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

2. Heard learned counsel for the petitioners 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 complainants against the petitioners, petition enquiry is pending in C.No.C2/8700/2023 on the file of the third 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



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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 respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents 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 Superintendent of Police, Kallakurichi District,
Kallakurichi-606202.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kallakurichi District, Kallakurichi-606213.
- 3.The Inspector of Police, Kallakurichi Police Station,
Kallakurichi District-606202.
- 4.The Public Prosecutor, High Court, Madras.

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N.ANAND VENKATESH,J



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