



WEB COPY



Crl.O.P No.17151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17151 of 2023

and

Crl.M.P.No.11030 of 2023

P.Dharani
W/o.M.Prakash

... Petitioner

VS.

1.State represented by
The Inspector of Police,
W-17, All Women Police Station,
Peravallur, Chennai - 600 082.

2.M.Prakash
S/o.Manohor

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the entire records connected with the impugned notice issued under Section 41-A of Cr.P.C. in W-17 AWPS/CSR/134/2023 dated 11.07.2023 issued by the first respondent and quash the same.

For Petitioner : Mr.G.Balamanikandan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This Criminal Original Petition has been filed challenging the notice issued by the first respondent under Section 41-A Cr.P.C.

2. Learned counsel for petitioner submitted that already notice u/s.41-A Cr.P.C. was issued to the petitioner and his family members and all the family members attended the enquiry and their statements were also recorded on 01.07.2023. The grievance of the petitioner is that the respondent police is harassing the petitioner and his family members based on the notice issued u/s.41-A Cr.P.C.

3. Learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by one Prakash, a petition enquiry is pending in CSR No.1134 of 2023 on the file of the first respondent.

4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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**



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

With the above direction, this Criminal Original Petition is closed.

07.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
gm

To

1.The Inspector of Police,
W-17, All Women Police Station,
Peravallur, Chennai - 600 082.

2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH., J

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