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r Crl.O.P.No.17076 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.17076 of 2023

K.Mohammed Basheeth

...Petitioner

Vs.

1.The Assistant Commissioner of Police,
O/o the Assistant Commissioner of
Police, Harbour Range, Chennai.

2.The Inspector of Police,
B1 North Beach Police Station,
Chennai.

...Respondents

Prayer: Criminal Original petition under Section 482 of the Criminal Procedure Code praying to direct the first and second respondents not to harass the petitioner under the guise of enquiry.

For Petitioner	:	Mr.P.Muthamizhselvakumar
For Respondents	:	Mr.A.Damodaran Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents not to harass the petitioner under the guise of enquiry.



r CrI.O.P.No.17076 of 2023

2. Heard learned counsel for the petitioner 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 complainant against the petitioner, petition enquiry is pending in C.S.R. No.363 of 2023 on the file of B2 Esplanade police Station.

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



r CrI.O.P.No.17076 of 2023

WEB COPY

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

28.7.2023

Index : Yes/No
Speaking Order : Yes/No

To

- 1.The Assistant Commissioner of Police,
O/o the Assistant Commissioner of
Police, Harbour Range, Chennai.
- 2.The Inspector of Police,
B1 North Beach Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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r Crl.O.P.No.17076 of 2023

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