



WEB COPY



Crl.O.P.No.17279 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.17279 of 2023

Dilli Babu

... Petitioner

vs.

1.The Inspector of Police (Crime),
D-3, Ice House Police Station,
Chennai.

2.Sarathkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the summons dated 23.07.2022, pending on the file of the 1st respondent.

For Petitioner	: Mr.V.Ramkumar
For R1	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

This petition has been filed challenging the notice issued to the petitioner in CSR No.158 of 2023.

2. The main grievance that was expressed by the learned counsel for the petitioner is that the respondent police is harassing the petitioner by calling him for enquiry repeatedly and hence left with no other option the



Crl.O.P.No.17279 of 2023

present petition has been filed before this Court.

WEB COPY

3. Learned Additional Public Prosecutor on instructions submitted that enquiry is still pending in CSR.No.504 of 2023.

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 1st respondent is free to register an FIR and this order shall not be a shield for the petitioner against the 1st respondent proceeding to take action in accordance with law.

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

07.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citations: Yes/ No

mpl



Crl.O.P.No.17279 of 2023

To

WEB COPY

1. The Inspector of Police (Crime),
D-3, Ice House Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY



Crl.O.P.No.17279 of 2023

N. ANAND VENKATESH, J.
mpl

Crl.OP No.17279 of 2023

07.08.2023