



Crl.O.P.No.17147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17147 of 2023

R.Kavitha

.. Petitioner

Versus

State rep by,
The Inspector of Police,
J-2, Adyar Police Station,
Chennai.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner in guise of enquiry.

For Petitioner : Mr.M.Soundar Vijay Arul Ram

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent not to harass the petitioner in guise of enquiry.



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2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3 .The learned Additional Public Prosecutor appearing for the respondent submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.234 of 2023 on the file of the respondent Police.

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



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

31.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Inspector of Police,
J-2, Adyar Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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