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Crl.O.P.No.17494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17494 of 2023

1. R.Poonapriya
2. M.Paramanandhan

.. Petitioners

Vs.

1. The Commissioner of Police,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
District Crime Branch,
Commissioner Office Building,
Coimbatore District.
3. J.Nirmala Xaviour Johny

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 & 2 not to harass the petitioner in respect of the dispute except in accordance with law.

For Petitioners

: Mr.K.Prabhakaran



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For Respondents 1 & 2 : Mr.A.Damodaran
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondents 1 & 2 not to harass the petitioner in respect of the dispute except in accordance with law.

2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the *defacto* complainant against the petitioners, petition enquiry is pending in C.No.254/Genl./DSP/DCB/CBE/23 on the file of the respondent police.

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



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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 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.

04.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
SSR

To

1. The Commissioner of Police,
Coimbatore,
Coimbatore District.



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N.ANAND VENKATESH, J

SSR

2. The Inspector of Police,
District Crime Branch,
Commissioner Office Building,
Coimbatore District.
3. The Public Prosecutor
High Court of Madras,
Madras.

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