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CrI.O.P.No.17413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17413 of 2023

Umar Farook

.. Petitioner

Vs.

1. State Rep by,
The Commissioner of Police,
Tambaram.
2. The Inspector of Police, T11,
Somangalam Police Station,
Somangalam, Tamil Nadu – 602 109.
3. Sub Inspector of Police,
Somangalam Police Station,
Somangalam, Tamil Nadu – 602 109.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd and 3rd respondent not to harass the petitioners except the due process of law.

For Petitioner : Mr.Shaik Mohamed Yaser

For Respondents : A.Damodaran



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Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner in the name of enquiry without due process of law.

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 police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.272 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 FIR and the Supreme Court of India in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in ***2013 (6) CTC 353*** has



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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 petitioner against the respondents proceeding to take action in accordance with law.

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

02.08.2023

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

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Somangalam Police Station,
Somangalam, Tamil Nadu – 602 109.
3. Sub Inspector of Police,
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4. The Public Prosecutor
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

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