



CrI.O.P.No.17590 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17590 of 2023

Muthulingam

... Petitioner

Vs.

1. The State Rep. by
The Additional Superintendent of Police,
Crime Against Women & Children,
Dharmapuri and
Dharmapuri District.

2. The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent not to harass the petitioner in view of the false complaint received from the said MAGENDIRAN and his friend MAGADEVAN and his relatives.



CrI.O.P.No.17590 of 2023

For Petitioner

: Mr.B.Kannadasan

WEB COPY

For Respondents

: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

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 C.No.G2/009956/191/2023 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



CrI.O.P.No.17590 of 2023

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 petitioner 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 Additional Superintendent of Police,
Crime Against Women & Children,
Dharmapuri and
Dharmapuri District.



WEB COPY



CrI.O.P.No.17590 of 2023

N.ANAND VENKATESH, J

SSR

2. The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
3. The Public Prosecutor
High Court of Madras,
Madras.

CrI.O.P.No.17590 of 2023

04.08.2023