



Crl.O.P.No.17841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17841 of 2023

S.Rajagopal

.. Petitioner

Versus

1. The Assistant Commissioner of Police,
O/o. Assistant Commissioner of Police,
Koyambedu Range, Chennai District.

2. The Inspector of Police,
T-4 Maduravayal Police Station,
Chennai.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue the direction to the respondents not to harass the petitioner in the name of investigation by the 2nd respondent in pursuant to petitioner representation, dated 25.07.2023.

For Petitioner : Mr.P.Muthamizhselvakumar

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor**

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner in the name of investigation



Crl.O.P.No.17841 of 2023

by the second respondent in pursuant to the petitioner's representation, dated 25.07.2023.

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

3. The learned Additional Public Prosecutor for the respondents submits that on the complaint given by one Venugopal, petition enquiry is pending in C.S.R.No.913 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 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



Crl.O.P.No.17841 of 2023

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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 disposed off.

09.08.2023

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

To

1. The Assistant Commissioner of Police,
O/o. Assistant Commissioner of Police,
Koyambedu Range, Chennai District.
2. The Inspector of Police,
T-4 Maduravayal Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.17841 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.17841 of 2023

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