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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17792 of 2023

1.Dr.R.Raghavan

2.R.Niyantha

.. Petitioners

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Buildings,
Chennai-600 007.

2.The Deputy Commissioner of Police,
Greater Chennai Police,
Kachiri Road, Mylapore,
Chennai-600 004.

3.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-600 028.

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st & 2nd Respondents to instruct the 3rd Respondent not to harass the Petitioners, by considering the Petitioner's representation dated 24/07/2023.



For Petitioner : Mr.M.Uma Shankar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st & 2nd Respondents to instruct the 3rd Respondent not to harass the Petitioners, by considering the Petitioner's representation dated 24/07/2023.

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 respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.301 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 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.

08.08.2023

Index : Yes/No
Internet : Yes/No
ssr

To

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SSR

3.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-600 028.

4.The Public Prosecutor
High Court of Madras,
Madras.

Crl.O.P.No.17792 of 2023

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