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Crl.O.P.No.17869 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.17869 of 2023

J.Mathiyazhagan

.. Petitioner

Versus

**1. The Superintendent of Police,
Cuddalore District.**

**2. The Inspector of Police,
Viruthachalam Police Station - CCB,
Viruthachalam, Cuddalore District.**

3. Kalaivanan

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent not to harass the petitioner under the guise enquiry.

For Petitioner : Mr.G.Mohan

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 and 2**

ORDER

**This Criminal Original Petition has been filed seeking for a direction
to the second respondent not to harass the petitioner in the guise of enquiry.**



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2. Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

3. The learned Additional Public Prosecutor for the respondents 1 and 2 submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending in C.S.R.No.671 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



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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 Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Viruthachalam Police Station - CCB,
Viruthachalam, Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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