



Crl.O.P.No.18477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Velusamy

.. Petitioner

Versus

1. The State Rep by
The Commissioner of Police,
Office of the Police Commissioner,
Coimbatore District.

2. The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.

.. Respondents

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

For Petitioner : M/s.W.Camyles Gandhi

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

ORDER



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

2. Heard the 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 one Amudhavalli and others against the petitioner, petition enquiry is pending in C.S.R.No.1217 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



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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 disposed off.

16.08.2023

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

To

1. The Public Prosecutor,
High Court of Madras.
2. The Commissioner of Police,
Office of the Police Commissioner,
Coimbatore District.
3. The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.



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N.ANAND VENKATESH, J.
grs

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