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Crl.O.P.No.19275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19275 of 2023

Ramachandran

.. Petitioner

Vs.

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

2.The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent herein viz. The Inspector of Police, Kattumannarkoil Police Station, Cuddalore District not to harass the petitioner herein and pass such further or other orders as this Hon'ble Court may deem fit and proper.

For Petitioner : Mr.K.Balu

For Respondents : Mr.A.Damodaran,



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Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent herein viz. The Inspector of Police, Kattumannarkoil Police Station, Cuddalore District not to harass the petitioner herein.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the *defacto* complainant against the petitioners, petition enquiry is pending in CSR.No.824 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 petitioners 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***



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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 petitioners against the respondents proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

24.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
pal/nsa



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To

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



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N.ANAND VENKATESH, J

pal/nsa

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