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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19186 of 2023

- 1) Mr.M.Nithyanandam,
- 2) Mrs.Kalavathi @ Kaladevi

... Petitioners

Vs.

- 1.State Rep. by its
The Commissioner of Police,
Police Commissionarate Office,
Avadi,
Chennai.600 054.

2. The Inspector of Police,
EDF-1, Central Crime Branch,
Avadi, Chennai.600 054.

3. R.Sivakumar

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents not to harass the petitioners based on the complaint given by 3rd respondent.



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For Petitioner : Mr.A.Arumugam

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
for R1 & R2

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 1st and 2nd respondents not to harass the petitioners based on the complaint given by 3rd respondent.

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 appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.64 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.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Commissioner of Police,
Police Commissionarate Office,
Avadi,
Chennai.600 054.
2. The Inspector of Police,
EDF-1, Central Crime Branch,
Avadi, Chennai.600 054.
- 3.The Public Prosecutor,
High Court, Madras.

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