



Crl.O.P.No.21040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.9.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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1.Neelamegam
2.Arulprakash
3.R.Chinnaraj
4.Chelladurai Kamalakannan
5.Ponnuganmorthy
6.Thirumal
7.K.Devaraj
8.N.Murugesan
9.V.Venkatesan
10.Kavitha Suresh
11.S.Suganya
12.P.Arumugam

...Petitioners

Vs.

The Sub-Inspector of Police,
Government HQ Hospital
Police Station, Erode District.

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the respondent herein not to harass the petitioners in the guise of criminal enquiry.

For Petitioners : Mr.A.Ansar
For Respondent : Mr.A.Damodaran, APP

ORDER



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This Criminal Original Petition has been filed seeking to direct the respondent not to harass the petitioners under the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainants against the petitioners, petition enquiry is pending in C.S.R.No.52 of 2023 on the file of the respondent.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners 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 the case of **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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take



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action in accordance with law.

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

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Index : Yes/No

Speaking Order : Yes/No

To

1.The Sub-Inspector of Police,
Government HQ Hospital
Police Station, Erode District.

2.The Public Prosecutor,
High Court, Madras.

gm



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N.ANAND VENKATESH,J

gm

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