



Criminal Original Petition No.19383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19383 of 2023

Kutty @ Sivakumar
S/o.Janakiraman

...Petitioner

Vs

- 1.The Commissioner of Police, (Tambaram)
O/o. The Commissioner of Police, Tambaram
Karapakkam Sholinganallur,
Chennai-600 119.
- 2.The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police, Tambaram,
S-11, Tambaram Police Station,
Tambaram.
- 3.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police, Tambaram,
S-11, Tambaram Police Station,
Tambaram.
- 4.The Inspector of Police, (Law and Order)
S-11, Tambaram Police Station,
Tambaram.

... Respondents



Criminal Original Petition No.19383 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the fourth respondent police not to harass the petitioner and his family members based on his complaint dated 12.08.2023.

For Petitioner : Mr.B.Sridhar

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

ORDER

This Criminal Original Petition has been filed to direct the fourth respondent police not to harass the petitioner and his family members based on his complaint dated 12.08.2023.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents.

3. Learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.1194 of 2023 on the file of the fourth respondent.



4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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.

With the above direction, this Criminal Original Petition is disposed of.

25.08.2023

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



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N.ANAND VENKATESH, J

pal/gm

To

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Chennai-600 119.
- 2.The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police, Tambaram
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Tambaram.
- 3.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police, Tambaram
S-11, Tambaram Police Station,
Tambaram.
- 4.The Inspector of Police, (Law and Order)
S-11, Tambaram Police Station,
Tambaram.
- 5.The Public Prosecutor,
High Court, Madras.

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