



CrI.O.P.No.19801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.8.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19801 of 2023

A.R.Elangovan

...Petitioner

Vs.

1.The Superintendent of Police,
Superintendent of Police Office,
Namakkal.

2.The Deputy Superintendent of
Police, Deputy Superintendent
of Police Office, Rasipuram,
Namakkal District.

3.The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal District.

...Respondents

Prayer: Criminal Original petition under Section 482 of the Criminal Procedure Code praying to direct the respondents not to harass the petitioner in any manner pending enquiry on the file of the third respondent - Inspector of Police.

For Petitioner : Mr.V.T.Balaji
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to direct the respondents not to harass the petitioner in any manner pending enquiry on the file of the third respondent.

2. Heard 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 the defacto complainant against the petitioner, petition enquiry is pending in C.P.No.208 of 2023 on the file of the third respondent.

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 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



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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.

30.8.2023

Index : Yes/No
Speaking Order : Yes/No

To

- 1.The Superintendent of Police,
Superintendent of Police Office,
Namakkal.
- 2.The Deputy Superintendent of
Police, Deputy Superintendent
of Police Office, Rasipuram,
Namakkal District.
- 3.The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal District.
- 4.The Public Prosecutor,
High Court, Madras.

GRS



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N.ANAND VENKATESH,J

GRS

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