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Crl.O.P.No.20048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20048 of 2023

1. Lakshmanarayanan
2. Arunparasath .. Petitioners

Versus

The State, Rep. by its
Sub-Inspector of Police,
O/o. The Superintendent of Police,
Anti-Land Grabbing Special Cell,
Tiruvallur,
Tiruvallur District. .. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, by exercising the inherent powers under Section 482 of Cr.P.C., direct the respondent not to harass the petitioners at the time of conducting preliminary enquiry in the above C.No.268/DSP/ALGSC/TVLR/2023, dated 16.05.2023 on the file of Anti-Land Grabbing Special Cell, Tiruvallur, Tiruvallur District.

For Petitioners : Mr.K.S.Murugan

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



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent not to harass the petitioners at the time of conducting preliminary enquiry in C.No.268/DSP/ALGSC/TVLR/2023, dated 16.05.2023 on the file of Anti-Land Grabbing Special Cell, Tiruvallur, Tiruvallur District.

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 complainant against the petitioners, petition enquiry is pending in C.P.No.268 of 2023 on the file of the respondent Police.

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



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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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is disposed off.

04.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sub-Inspector of Police,
O/o. The Superintendent of Police,
Anti-Land Grabbing Special Cell,
Tiruvallur,
Tiruvallur District.
2. The Public Prosecutor,



High Court of Madras.
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N.ANAND VENKATESH, J.
grs

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