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Crl.O.P.No.20099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.20099 of 2023
and Crl.M.P.No.13656 of 2023**

M.Ramakrishnan

.. Petitioner

Versus

**The state of Tamilnadu rep. by
Inspector of Police,
Aynavarm Police Station,
Chennai.**

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the respondent summons No.K2 CSR No.855 of 2022, dated 19.08.2023 quash the same.

For Petitioner : M/s.S.N.Subramani

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



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ORDER

This petition has been filed challenging the notice issued by the respondent calling upon the petitioner to attend enquiry in the pending proceedings in C.S.R.No.855 of 2022.

2. The learned Additional Public Prosecutor, on instructions, submitted that the petitioner had attended for the enquiry on 13.01.2023 and had given an undertaking that he will execute the document in favour of one Vijaya within a period of three months. Since the petitioner did not act according to the undertaking, the petitioner was called for an enquiry in this case by issuing the notice, dated 19.08.2023.

3. 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 F.I.R 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



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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 F.I.R and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

4. This Criminal Original Petition is disposed off in the above terms.

Consequently, connected miscellaneous petition is closed.

12.09.2023

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

To

1. The Inspector of Police,
Aynavarm Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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