



Crl.O.P.No.20162 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.20162 of 2023

Deepa

.. Petitioner

Versus

1. The Commissioner of Police,
Tambaram City,
Sholinganallur,
Chennai.
2. The Assistant Commissioner of Police,
Pallavaram,
Chennai.
3. The Inspector of Police,
Shankar Nagar Police Station,
Tambaram City,
Chennai.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner in the guise of enquiry pursuant to the representation of the petitioner, dated 14.08.2023.

For Petitioner : Mr.C.V.Ilangovan



WEB COPY



Crl.O.P.No.20162 of 2023

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner in the guise of enquiry pursuant to the representation of the petitioner, dated 14.08.2023.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondent Police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.P.No.558 of 2023 on the file of the respondent Police.

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 ***Lalitha Kumari Vs. Government of Uttar***



Crl.O.P.No.20162 of 2023

WEB COPY

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.

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 Commissioner of Police,
Tambaram City,
Sholinganallur,
Chennai.
2. The Assistant Commissioner of Police,
Pallavaram,
Chennai.
3. The Inspector of Police,
Shankar Nagar Police Station,



Crl.O.P.No.20162 of 2023

Tambaram City,
Chennai.

4. The Public Prosecutor,
High Court of Madras.

N.ANAND VENKATESH, J.
grs

Crl.O.P.No.20162 of 2023



WEB COPY



Crl.O.P.No.20162 of 2023

04.09.2023