



Criminal Original Petition No.20415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20415 of 2023

Caxton

S/o.Pushpa Raj

...Petitioner

Vs

1.The Commissioner of Police,
New Commissionerate,
132, E.V.K. Sampath Road,
Vepery, Chennai - 600 004.

2.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner,
Madipakkam, Chennai - 600 091.

3.The Inspector of Police,
All Women Police Station,
Madipakkam, Chennai - 600 091.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondent police not to harass the petitioner.



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For Petitioner : Ms.B.Sumithara
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner.

2. Heard Ms.B.Sumithara, learned counsel for petitioner and Mr.A.Damodaran, 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.91 of 2023 on the file of the third respondent.

4. The petitioner is directed to co-operate with the police for enquiry



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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.

07.09.2023

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

N.ANAND VENKATESH, J



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WEB COPY

To

- 1.The Commissioner of Police,
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- 2.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner,
Madipakkam, Chennai - 600 091.
- 3.The Inspector of Police,
All Women Police Station,
Madipakkam, Chennai - 600 091.
- 4.The Public Prosecutor,
High Court, Madras.

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