



WEB COPY



Crl.O.P.No.21735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.9.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21735 of 2023

M.Abdul Baqui

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, O/o the
Commissioner of Police,
Vepery, Chennai.

2.The Assistant Commissioner of
Police, B2 Esplanade Police
Station, Law & Order Division,
Chennai-104.

3.The Inspector of Police,
B2 Esplanade Police Station,
Law & Order Division,
Chennai-104.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

For Petitioner	:	Mr.M.Nuzhath Khanam
For Respondents	:	Mr.A.Damodaran, Additional Public Prosecutor



Crl.O.P.No.21735 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to direct respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.479 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 third



Crl.O.P.No.21735 of 2023

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

5. With the above directions, the Criminal Original Petition is closed.

25.9.2023

Index : Yes/No
Speaking Order : Yes/No

To

- 1.The Commissioner of Police,
Greater Chennai, O/o the
Commissioner of Police,
Vepery, Chennai.
- 2.The Assistant Commissioner of
Police, B2 Esplanade Police
Station, Law & Order Division,
Chennai-104.
- 3.The Inspector of Police,
B2 Esplanade Police Station,
Law & Order Division,
Chennai-104.
- 4.The Public Prosecutor,
High Court, Madras.

rka



WEB COPY



CrI.O.P.No.21735 of 2023

N.ANAND VENKATESH,J

rka

CRL.O.P.No.21735 of 2023

25.9.2023