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Crl.O.P.No.21392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.9.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21392 of 2023

V.Asha Mary

...Petitioner

Vs.

1.State by

The Commissioner of Police,
Avadi City, Avadi, Chennai-54.

2.State by

The Inspector of Police,
T-14 Mangadu Police Station,
Chennai-112.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the respondent to consider the representation of the petitioner dated 09.9.2023 and direct not to harass the petitioner and female children.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.A.Damodaran, APP

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Respondent not to harass the Petitioner and his family



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her female children.

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.1966 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 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



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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 closed.

15.09.2023

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Speaking Order : Yes/No

Index : Yes/No

Internet : Yes/No

To

1.The Commissioner of Police,
Avadi City, Avadi, Chennai-54.

2.The Inspector of Police,
T-14 Mangadu Police Station,
Chennai-112.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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