



Crl.O.P.No.21708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.9.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21708 of 2023

Gayathri

...Petitioner

Vs.

1.The Commissioner of Police,
Coimbatore City, Coimbatore.

2.The Assistant Commissioner
of Police, Central Crime
Branch, Coimbatore City.

3.The Inspector of Police,
Central Crime Branch,
Coimbatore City.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the third respondent herein not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 09.9.2023.

For Petitioner :

Mr.J.Thomas Saran Singh

For Respondents :

Mr.A.Gopinath,
Government Advocate (Crl.Side)



Crl.O.P.No.21708 of 2023

ORDER

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This Criminal Original Petition has been filed seeking to direct the third respondent not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 09.9.2023.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 697 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.21708 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.

22.9.2023

Index : Yes/No

Speaking Order : Yes/No

To

1.The Commissioner of Police,
Coimbatore City, Coimbatore.

2.The Assistant Commissioner
of Police, Central Crime
Branch, Coimbatore City.

3.The Inspector of Police,
Central Crime Branch,
Coimbatore City.

4.The Public Prosecutor,
High Court, Madras.

ssr



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CrI.O.P.No.21708 of 2023

N.ANAND VENKATESH,J

ssr

CRL.O.P.No.21708 of 2023

22.9.2023