



Crl.O.P.No.21556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.9.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21556 of 2023

C.David Clement

...Petitioner

Vs.

1.The Commissioner of Police,
O/o the Commissioner of
Police, Anti Land Grabbing
Special Cell, Coimbatore.

2.The Assistant Commissioner of
Police, O/o the Assistant
Commissioner of Police,
Anti Land Grabbing Special Cell,
Coimbatore.

3.A.Palanisamy

...Respondents

Criminal Original Petition under Section 482 of the Criminal
Procedure Code praying to direct the second respondent not to harass
the petitioner based on the petitioner's representation dated
13.9.2023.

For Petitioner : Mr.R.Vijayakumar
For Respondents 1 & 2 : Mr.A.Damodaran, APP



Crl.O.P.No.21556 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner based on the petitioner's representation dated 13.9.2023.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. The learned Additional Public Prosecutor appearing for respondents 1 & 2 submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 110 of 2023 on the file of the second 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 second



Crl.O.P.No.21556 of 2023

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

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

19.9.2023

Index : Yes/No

Speaking Order : Yes/No

To

- 1.The Commissioner of Police,
O/o the Commissioner of
Police, Anti Land Grabbing
Special Cell, Coimbatore.
- 2.The Assistant Commissioner of
Police, O/o the Assistant
Commissioner of Police,
Anti Land Grabbing Special Cell,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

ssr

N.ANAND VENKATESH,J



WEB COPY



Crl.O.P.No.21556 of 2023

ssr

CRL.O.P.No.21556 of 2023

19.9.2023