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Cr.O.P.No.22094 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.22094 of 2023

1.M.Saraswathi

2.Murugesh

...Petitioners

Vs.

1.State rep.by

The Commissioner of Police,  
Tiruppur.

2.State by

The Inspector of Police,  
District Crime Branch,  
Tiruppur.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the respondents not to harass the petitioners under the guise of enquiry with respect to the summons issued by the second respondent police.

|                 |   |                                                 |
|-----------------|---|-------------------------------------------------|
| For Petitioners | : | Mr.Agilesh Kumar                                |
| For Respondents | : | Mr.A.Damodaran,<br>Additional Public Prosecutor |

**ORDER**

This Criminal Original Petition has been filed seeking to direct the respondents not to harass the petitioners under the guise of



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enquiry.

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2. Heard the learned counsel for the petitioners 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 petitioners, petition enquiry is pending in C.No.111/DCB-TPR/SP-GDP/2023 dated 14.9.2023 on the file of the second respondent.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 respondent is free to register an FIR and this order shall not be a



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shield for the petitioners against the the second respondent  
proceeding to take action in accordance with law.

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

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Index : Yes/No  
Speaking Order : Yes/No

To

1.The Commissioner of Police,  
Tiruppur.

2.The Inspector of Police,  
District Crime Branch,  
Tiruppur.

3.The Public Prosecutor,  
High Court, Madras.

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