



WEB COPY



Crl.O.P No.28994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P No.28994 of 2023

1.Dr.S.Elamparthi
2.Dr.Sabitha
3.Dr.S.Karthikeyan

... Petitioners

vs.

The State rep.by
The Sub Inspector of Police,
Crime Branch,
Krishnagiri 635 001.

... Respondent

Prayer: Criminal Original Petition is filed under section 482 of Criminal Procedure Code, to direct the 2nd respondent Police not to harass the petitioners in connection with CSR No.Not known/2023 on the file of the respondent Police.

For Petitioner : Mr.C.Arun Kumar
For Respondents : Mr. L.Baskaran, Government Advocate
(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondent not to harass the Petitioners in the name of enquiry without due process of law.



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2.Th learned counsel appearing for the petitioners would contend that the respondent police frequently called the petitioners without any valid reasons and harassed the petitioners in the guise of enquiry, hence filed this petition.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending on the file of the respondent police.

4.Heard learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent.

5.In view of the above submissions, 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 ***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



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

6.With the above directions, the Criminal Original Petition is disposed of.

29.12.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case: Yes/No
sk/gvn

To

1.The Sub Inspector of Police,
Crime Branch,
Krishnagiri 635 001.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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P.DHANABAL, J.

sk/gvn

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