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Crl.O.P No.29111 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.29111 of 2023

R.Maragatham

... Petitioner

VS.

1.The Superintendent of Police,
Krishnagiri District, Krishnagiri.

2.The Inspector of Police,
Hosur Police Station, Hosur,
Krishnagiri District.

... Respondents

Prayer: Criminal Original Petition is filed under section 482 of Criminal Procedure Code, to direct the respondents to consider the petitioner's representation dated 20.12.2023 for not to harass the petitioner and his son and daughter.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr. L.Baskaran,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner and his son and daughter in the name of enquiry without due process of law.



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2.The learned counsel appearing for the petitioner would contend that the respondent police have harassed the petitioner and her son and her daughters in the guise of searching her husband and frequently called the petitioner to police station. Hence, this petition is filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondents police submits that the husband of the petitioner is an history sheeter and fourteen cases were pending against him and the petition enquiry is pending for those cases on the file of the respondents police.

4.Heard both sides and perused the records.

5.In view of the above submissions, 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



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offence is made out, the respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents 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 Superintendent of Police,
Office of the Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Dharmapuri District.
- 3.Inspector of Police,
Mathikkonpalayam Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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P.DHANABAL, J.
sk/gvn

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