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Crl.O.P No.29154 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.29154 of 2023

Kubendran

... Petitioner

vs.

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.

... Respondents

Prayer: Criminal Original Petition is filed under section 482 of Criminal Procedure Code, to direct the 3rd respondent not to harass the petitioner based on the complaint lodged by Kumar by appreciating the above stated facts and circumstances.

For Petitioner : Mrs.S.P.Arthi

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



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ORDER

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

2. The learned counsel appearing for the petitioner would contend that the respondent police without any valid reasons frequently asked to come to police station and thereby harassed the petitioner, hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending before the 3rd respondent police.

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

5. In view of the above submissions, 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



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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 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.

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



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P.DHANABAL, J.

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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