



WEB COPY



Crl.O.P No.29096 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.29096 of 2023

Suresh

... Petitioner

VS.

1.The State rep.by its
The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District, Ariyalur.

2.The Inspector of Police,
Meensuriti Police Station,
Ariyalur District, Ariyalur.

... Respondents

Prayer: Criminal Original Petition is filed under section 482 of Criminal Procedure Code, to direct the respondents Police not to harass the petitioner pursuant to his representation dated 08.12.2023.

For Petitioner : Mr.K.Ranjith
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 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 frequently called the petitioner to police station and detained in the police station and harassed the petitioner without any enquiry, hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondents police submits that there are six cases were pending against the petitioner and the petition enquiry is pending for those cases on the file of the 2nd 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 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



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against the respondents proceeding to take action in accordance with law.

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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 The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District, Ariyalur.
- 2.The Inspector of Police,
Meensuriti Police Station,
Ariyalur District, Ariyalur.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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P.DHANABAL, J.
sk/gvn

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