



WEB COPY



Criminal Original Petition No.569 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.569 of 2024

1.N.Thulasi Rao
S/o.Late Mr.Nanjappa Rao

2.N.Viswanantha Rao
S/o.Late Mr.Nanjappa Rao

...Petitioners

Vs

1.State represented by
The Sub-Inspector of Police,
City Crime Branch-II,
Coimbatore.

2.B.P.Nawaskhan
S/o.Bawakunni

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondent police "Not to Harass" the petitioners in the guise of enquiry vide C.No.231/AC/CCB-II/Cbe.City/2023, dated 08.11.2023.

For Petitioners : Mr.Udaya P.S.Menon

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

WEB COPY This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioners in the guise of enquiry except in the manner known to law.

2. Heard Mr.Udaya P.S.Menon, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of first respondent.

3. Learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in Current Paper No.231 of 2023 on the file of the first respondent police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting 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***



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

With the above direction, this Criminal Original Petition is disposed of.

18.01.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

1.The Sub-Inspector of Police,
City Crime Branch-II,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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