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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.911 of 2024

M.K.Abdul Raheem

...Petitioner

Vs.

1.The Commissioner of Police,
Avadi Commissionerate,
Avadi.

2.The Inspector of Police,
Central Crime Branch,
Avadi,
Thiruvallur District.

3.Pasakada Krishnamumari

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.A.Vijaya Sankar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for respondents 1 and 2.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.5 of 2024 on the file of the respondent police. He further submitted that the petitioner is also required for enquiry in C.No.488 of 2023 which is filed by the rival party.

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

5. With the above directions, the Criminal Original Petition is closed.

22.01.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

1. The Commissioner of Police,
Avadi Commissionerate,
Avadi.
2. The Inspector of Police,
Central Crime Branch,
Avadi,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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