



WEB COPY



CRL.O.P No.919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.919 of 2024

1.R.Munirathinam,
S/o.Rajagopal

2.M.Poovizhi,
W/o.R.Munirathinam

...Petitioners

Vs.

1.State represented by,
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District – 635 303.
(Crime No. Not Known)

2.The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Dharmapuri District – 636 701.
(Crime No.Not Known)

3.The Superintendent of Police,
Dharmapuri District,
Dharmapuri – 636 701.

4.The Deputy Superintendent of Police,
Harur, Dharmapuri District.

5.The Deputy Superintendent of Police,
District Crime Branch,
Dharmapuri.

...Respondents



CRL.O.P No.919 of 2024

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondents not to harass the petitioners on the basis of the complaint lodge by Mr.G.Ramachandran and his family members before the respondent police.

For Petitioners : Mr.D.Shivakumaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

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

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that the complaint given by the defacto complainant against the petitioner is received by the 1st respondent. However, the enquiry is now being pending before the 2nd respondent in C.S.R.No.3 of 2024



CRL.O.P No.919 of 2024

WEB COPY

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.

12.01.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr/mkn2



WEB COPY



CRL.O.P No.919 of 2024

N.ANAND VENKATESH, J

ssr/mkn2

To

- 1.The Inspector of Police,
Kadathur Police Station,
Dharmapuri District – 635 303.
- 2.The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Dharmapuri District – 636 701.
- 3.The Superintendent of Police,
Dharmapuri District,
Dharmapuri – 636 701.
- 4.The Deputy Superintendent of Police,
Harur,
Dharmapuri District.
- 5.The Deputy Superintendent of Police,
District Crime Branch,
Dharmapuri.
- 6.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.919 of 2024

12.01.2024