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Criminal Original Petition No.1041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1041 of 2024

Bhuwaneswari
D/o.Devaraj Pandian

...Petitioner

Vs

1.The Assistant Commissioner of Police,
Valasaravakkam Range,
Ramapuram Police Station, Chennai.

2.The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai - 600 087.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the first respondent police not to harass the petitioner in the guise of enquiry based on the false complaints lodged by Anish and Dugar Finance.

For Petitioner : Ms.G.Uma Maheswari

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed to direct the first respondent police not to harass the petitioner in the guise of enquiry based on the false complaints lodged by Anish and Dugar Finance.

2. Heard Ms.G.Uma Maheswari, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

3. Learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in Current Paper No.437 of 2023 on the file of the second respondent police.

4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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 respondent police is free to register an FIR and this order shall not be a shield for the petitioner 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
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To

1. The Assistant Commissioner of Police,
Valasaravakkam Range,
Ramapuram Police Station, Chennai.
2. The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai - 600 087.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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