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Writ Petition No.1357 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.01.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.1357 of 2024**

P.Annadurai

S/o.Pachaiyappa Gounder

...Petitioner

Vs

1.State of Tamil Nadu,  
represented by Superintendent of Police,  
Dharmapuri District, Dharmapuri.

2.The Additional Superintendent of Police (CWC),  
District Police Office,  
Dharmapuri.

3.P.Baskar  
S/o.Pachaiyappa Gounder

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent in proceedings No.Na.Ka.No.-G2/000044/11/2024 dated 02.01.2024 and quash the same as illegal, incompetent and without jurisdiction and to further direct the respondents 1 and 2 not to harass the petitioner and for consequential orders.



Writ Petition No.1357 of 2024

For Petitioner : Mr.Avinash Wadhwani  
For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor [R1 & R2]  
Mr.N.R.Elango, Senior Counsel  
for Mr.Aswin Prasanna [R3]  
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**ORDER**

This Writ Petition has been filed seeking to quash the proceedings of the second respondent in No.Na.Ka.No.-G2/000044/11/2024 dated 02.01.2024 and to further direct the respondents 1 and 2 not to harass the petitioner.

2. Heard Mr.Avinash Wadhwani, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2 and Mr.N.R.Elango, learned Senior Counsel appearing for third respondent.

3. Learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in Current



Writ Petition No.1357 of 2024

Paper No.44 of 2024 on the file of the second respondent police.

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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.

**N.ANAND VENKATESH, J**



Writ Petition No.1357 of 2024

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With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

**23.01.2024**

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The Superintendent of Police,  
Dharmapuri District, Dharmapuri.
2. The Additional Superintendent of Police (CWC),  
District Police Office,  
Dharmapuri.
3. The Public Prosecutor,  
High Court, Madras.

**Writ Petition No.1357 of 2024**