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Cr.O.P.No.1498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.1.2024

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1498 of 2024

Mrs.A.Marlin

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Chennai.

2.The Inspector of Police,
F-5, Choolaimedu Police
Station, Chennai.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the second respondent not to harass the petitioner in the guise of enquiry except by due process of law.

For Petitioner	:	Mr.S.Lokesh
For Respondents	:	Mr.A.Gopinath, GA (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner under the guise of enquiry.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondents.

3. The learned Government Advocate (CrI.Side) appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 7503328 on the file of the second respondent.

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 the case of ***Lalitha Kumari Vs. Government of Uttar Pradesh*** [reported in ***2013 (6) CTC 353***], has enumerated the nature of cases where the preliminary enquiry can be conducted and has also restricted the period, for which, the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the second respondent proceeding to take action in accordance with law.

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



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closed.

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Index : Yes/No

Speaking Order : Yes/No

To

1.The Commissioner of Police,
Greater Chennai Police,
Chennai.

2.The Inspector of Police,
F-5, Choolaimedu Police
Station, Chennai.

3.The Public Prosecutor,
High Court, Madras.

ssr



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N.ANAND VENKATESH,J

ssr

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