



Cr.O.P.No.1505 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.1505 of 2024

K.Sadiq Jaffer

...Petitioner

Vs.

1.The Commissioner of Police,
Avadi Police Commissionerate
Office, Avadi, Chennai-54.

2.The Inspector of Police,
Avadi Police Commissionerate
Office, EDF-I Team, Central
Crime Branch, Avadi, Chennai-54.

3.The Inspector of Police,
Avadi Police Commissionerate
Office, EDF-IV Team, Central
Crime Branch, Avadi, Chennai-54.

4.A.Muthupandiammal

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the second and third respondent police not to harass the petitioner.

For Petitioner	:	Mr.D.Senthur Kugan
For R1 to R3	:	Mr.A.Gopinath, GA (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to direct respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for respondents 1 to 3.

3. The learned Government Advocate (Crl.Side) appearing for respondents 1 to 3 submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No. 461 of 2022 on the file of the respondent police.

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



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period, for which, the 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.

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

30.1.2024

Index : Yes/No

Speaking Order : Yes/No

To

- 1.The Commissioner of Police,
Avadi Police Commissionerate
Office, Avadi, Chennai-54.
- 2.The Inspector of Police,
Avadi Police Commissionerate
Office, EDF-I Team, Central
Crime Branch, Avadi, Chennai-54.
- 3.The Inspector of Police,
Avadi Police Commissionerate
Office, EDF-IV Team, Central
Crime Branch, Avadi, Chennai-54.
- 4.The Public Prosecutor,
High Court, Madras.

ssr



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N.ANAND VENKATESH,J

ssr

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