



Cr.O.P.No.1598 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.2.2024

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1599 of 2024

1.R.Balasundari

2.Senthilkumar

...Petitioners

Vs.

1.The Superintendent of Police,
Tiruvannamalai District.

2.State rep.by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the respondent police not to harass the petitioners.

For Petitioners : Mr.A.S.Aswin Prasanna
For Respondents : Mr.A.Damodaran, APP

ORDER

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

2. Heard the learned counsel for the petitioners and the learned



CrI.O.P.No.1598 of 2024

Additional Public Prosecutor appearing for the respondents.

WEB COPY

3. The learned Additional Public Prosecutor appearing for the respondents submits that the first petitioner is not required for any inquiry. ***This is recorded.***

4. The learned Additional Public Prosecutor appearing for the respondents further submits that on the complaint given by the defacto complainant against the second petitioner, petition enquiry is pending in C.S.R.No.722 of 2023 on the file of the second respondent and a counter CSR in CSR.No.693 of 2023 is also pending.

5. The second petitioner is directed to co-operate with the police for inquiry and at the time of conducting of the inquiry, the second petitioner shall not be harassed by the police. The police cannot call the second 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



CrI.O.P.No.1598 of 2024

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 second petitioner against the second respondent proceeding to take action in accordance with law.

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

01.2.2024

Index : Yes/No
Speaking Order : Yes/No

To

- 1.The Superintendent of Police,
Tiruvannamalai District.
- 2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.

rka



WEB COPY



CrI.O.P.No.1598 of 2024

N.ANAND VENKATESH,J

rka

CRL.O.P.No.1598 of 2024

01.2.2024