



Criminal Original Petition No.2481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2481 of 2024

1. A.L.Alagesan
S/o.Alagu Sundaram

2.Mrs.A.L.Latha,
W/o.Alagesan

3. Mr.Murali,
S/o. Seshadri Iyer

4. Mr.Bhuvaneshwar,
S/o.Pitchai Gopal

... Petitioners

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
E.V.K.Sampath Road,
Vepery, Periyamedu,
Chennai – 600 007.

2. The Deputy Commissioner of Police,
St.Thomas Mount Police Limit,
Butt Road, Nasarathpuram,
Gandhi Nagar, St. Thomas Mount,
Chennai – 600 089.



Criminal Original Petition No.2481 of 2024

3. The Assistant Commissioner of Police,
Big Street, Arulmurugan Nagar,
Keelkattalai, Chennai – 600 117.

4. The Inspector of Police (Law & Order),
S – 8, Adambakkam Police Station,
Adambakkam – 600 088.

5. The Sub-Inspector of Police (Law & Order),
S – 8, Adambakkam Police Station,
Adambakkam – 600 088, Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to directing the fifth respondent police not to harass the petitioners without due process of law.

For Petitioner : Mr.S.Varsha

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the fifth respondent police not to harass the petitioners without due process of law.

2. Heard learned counsel for petitioners and learned Additional Public Prosecutor appearing on behalf of respondents.



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3. Learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in CSR No.693 of 2023 on the file of the fifth respondent.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 fifth respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceeding to take action in accordance with law.



Criminal Original Petition No.2481 of 2024

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With the above direction, this Criminal Original Petition is disposed of.

07.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

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Chennai – 600 007.
2. The Deputy Commissioner of Police,
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5. The Sub-Inspector of Police (Law & Order),
S – 8, Adambakkam Police Station,
Adambakkam – 600 088, Chennai.
6. The Public Prosecutor,
High Court, Madras.



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Criminal Original Petition No.2481 of 2024

N.ANAND VENKATESH, J.

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Criminal Original Petition No.2481 of 2024

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