



Criminal Original Petition No.2272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2272 of 2024

- 1.T.Sri Hari Kumar Bhagavat
S/o.Late T.Raghavendra Bhagavat
 - 2.T.Sri Krishna Bhagavat
S/o.T.Sri Hari Kumar Bhagavat
- ... Petitioners

Vs.

- 1.State represented by
The Commissioner of Police,
Tambaram.
 - 2.State represented by
The Deputy Commissioner of Police,
Tambaram.
 - 3.The Inspector of Police,
Shankar Nagar Police Station,
Pammal, Chennai - 600 075.
 - 4.K.Sudarsanam
S/o.Late K.Kannappa
- ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent police not to harass the petitioners under the guise of enquiry.



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For Petitioners : Mr.P.Subba Reddy

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 to R3]

ORDER

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

2. Heard Mr.P.Subba Reddy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

3. Learned Additional Public Prosecutor appearing for the respondents 1 to 3 submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in Current Paper No.2782 of 2023 on the file of the third respondent police.

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



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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 petitioners against the respondent police proceeding to take action in accordance with law.

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

05.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm



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N.ANAND VENKATESH, J.

gm

To

- 1.The Commissioner of Police,
Tambaram.
- 2.The Deputy Commissioner of Police,
Tambaram.
- 3.The Inspector of Police,
Shankar Nagar Police Station,
Pammal, Chennai - 600 075.
- 4.The Public Prosecutor,
High Court, Madras.

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