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Criminal Original Petition No.2703 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2703 of 2024

1.M.Moorthi
2.Jaya Gowri
3.M.Vadivel Shanmuga Sundaram
4.R.Ganesh
5.D.Sabarishankar

...Petitioners

Vs

1.The Inspector of Police
Town West Police Station
Pallakadu Road, Pollachi,
Coimbatore.
2.K.Bhuminathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 1st respondent police not to harass the petitioners on the pretext of investigation in pursuance to the complaint dated NIL of the 2nd respondent in Petition No.35 of 2024 on the file of the respondent police.

For Petitioners : Ms.V.Srimathi
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the Respondents not to harass the Petitioners in the name of enquiry without due process of law.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.35 of 2023, 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 *Lalitha Kumari Vs. Government of Uttar Pradesh* reported in 2013 (6) CTC 353 has enumerated the nature of cases



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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 respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

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

09.02.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1.The Inspector of Police
Town West Police Station
Pallakadu Road, Pollachi,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J
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