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Crl.O.P.No.2988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **14.02.2024**

CORAM

THE HON'BLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.No.2908 of 2024

B.Paranthaman

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Adambakkam Police Station,
Chennai

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code to direct the respondent police not to harass the petitioner on the basis of the false complaint lodged by one Mrs.Gomathi W/o.Late Mahalingam.

For Petitioner : Mr.S.S.Santhosakumar

For Respondents : Mr.A.Damodaran
Addidtonal Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the respondent police not to harass the petitioner on the basis of the false complaint lodged by one Mrs.Gomathi W/o.Late Mahalingam.

2. Heard Mr.S.S.Santhakumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

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 CP No.180 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*



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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 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.

14.02.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1. State Rep. by
Inspector of Police,
Adambakkam Police Station,
Chennai
2. The Public Prosecutor,
Madras High Court.



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