



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.3163 of 2024

Karthikeyan

.. Petitioner

-VS-

The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Krishnagiri District.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass on the guise of enquiry and may pass any other order or orders as this Court may deem fit and proper to the facts and circumstances of the case.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondent not to harass the Petitioner 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 respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C. No.564 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 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 is 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

Index :Yes/No

Internet : Yes/No



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To

- 1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Krishnagiri District.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J.

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