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CrI.O.P.No.3888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3888 of 2024

M.Sakthivel

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram – 605 602.

2.The Assistant of Superintendent of Police,
Office of the Superintendent of Police,
Villupuram – 605 602.

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to direct the respondents Police not to harass the petitioner.

For Petitioner : Ms.B.Sumithra
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the respondents not to harass the petitioner.



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

3. Learned Additional Public Prosecutor appearing for the respondents submit that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in C.No.702 of 2022 on the file of the respondent.

4. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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 first 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.



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5. With the above direction, this criminal original petition is disposed of.

26.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram – 605 602.
2. The Assistant of Superintendent of Police,
Office of the Superintendent of Police,
Villupuram – 605 602.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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