



WEB COPY



Criminal Original Petition No.3433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3433 of 2024

1.P.Mohan
S/o.Palanisamy

2.M.Selvam
S/o.Marimuthu

3.L.Senthilkumar
S/o.Palanisamy

...Petitioners

Vs

1.The Commissioner of Police,
Salem City, Salem.

2.The Deputy Commissioner of Police (South),
Office of the Deputy Commissioner of Police,
Salem City, Salem.

3.The Inspector of Police,
B-4 Annadhanapatti Police Station,
Salem District.



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4.Gandhi
S/o.Angappan

5.Mani
S/o.Gandhi

6.Kumar @ Venkatachalam

7.Meenakumari
W/o.Palanivel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondents 1 to 3 herein not to harass the petitioners under the guise of enquiry, based on the false complaint given by the respondents 4 to 7.

For Petitioners : Mr.A.M.Esakkiappan

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 to 3 herein not to harass the petitioners under the guise of enquiry, based on the false complaint given by the respondents 4 to 7.



2. Heard learned counsel for petitioners and 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 CP No.23 of 2024 on the file of the third respondent.

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 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 respondents are 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.



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N.ANAND VENKATESH, J

gm

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

16.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The Commissioner of Police,
Salem City, Salem.
- 2.The Deputy Commissioner of Police (South),
Office of the Deputy Commissioner of Police,
Salem City, Salem.
- 3.The Inspector of Police,
B-4 Annadhanapatti Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

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