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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3904 of 2024

Gunasekaran

.. Petitioner

-VS-

- 1.State rep. By
The Superintendent of Police,
Cuddalore, Cuddalore District.
- 2.State rep. By
The Deputy Superintendent of Police,
Vriddhachalam, Cuddalore District.
- 3.State rep. By
Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam, Cuddalore District.
- 4.State rep. By
Sub-Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam, Cuddalore District.

5.Maheswari

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 to 4 not to harass the petitioner.

For Petitioner : Mr.T.Meganathan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 to R4



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the Respondents 2 to 4 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 respondents 1 to 4.

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 Current Paper No.5801 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 police is free to register an FIR and this order shall not be a shield



for the petitioner against the respondent police proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is disposed of.

22.02.2024

Index : Yes/No

Internet : Yes/No

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To

1. The Superintendent of Police,
Cuddalore, Cuddalore District.
2. The Deputy Superintendent of Police,
Vriddhachalam, Cuddalore District.
3. The Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam, Cuddalore District.
4. The Sub-Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam, Cuddalore District.
5. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J.

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