



Crl.O.P.No.3986 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3986 of 2024
and Crl.M.P.NO.2961 of 2024

1.Mr.Prabhu Jayaraman
2.Mrs.Sangeetha Prabhu

... Petitioners

Vs.

1.The Inspector of Police,
CCB, At Commissioner of Police,
Avadi, Chennai 600 062.

2.Pradeep Jayaraman

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending complaint in C.NO.136/COP.Avadi/Grievance/2024, C.No.47/DC CCB/AVD/COP(V)/2024 on the file of the 1st respondent and quash the complaint preferred therein.

For Petitioners

: Mr.M.V.Seshamma

For RR1

: Mr.A.Gopinath
Government Advocate
(CrlSide)

For RR2

:Mr. Pradeep Jayaraman(P-I-P)

ORDER



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This Criminal Original Petition has been filed seeking a direction to quash the complaint on the file of the 1st respondent Police.

2. Heard learned counsel for petitioners and learned Government Advocate (Crl.Side) appearing on behalf of 1st respondent.

3. Learned Government Advocate (Crl.Side) appearing for the respondents on instructions submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CP No.136 of 2024, dated 19.01.2024, on the file of the 1st 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



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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.

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

29.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
sk

To

1.The Inspector of Police,
CCB, At Commissioner of Police,
Avadi, Chennai 600 062.

2.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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