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Crl.O.P.No.4426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4426 of 2024

1.B.Kavitha
2.M.Balaji

... Petitioners

Vs.

1.State Rep. By
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai – 600 010.

2.R.Meenakshi

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to direct the first respondent herein not to harass the petitioners herein under the guise of enquiry.

For Petitioners : Mr.S.Sanjay Kumar
For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the first respondent not to harass the petitioners under the guise of enquiry.



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2. Heard learned counsel for petitioners and learned Additional Public Prosecutor appearing on behalf of the first respondent.

3. Learned Additional Public Prosecutor appearing for the first respondent submit that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in C.S.R.No.425 of 2023 on the file of the first 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 first respondent is free to register an FIR and this order shall not be a shield for the petitioner against the first respondent 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 Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai – 600 010.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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