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CrI.O.P.No.4220 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4220 of 2024

M.Dinakaran

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.

2.State Rep. by
Inspector of Police Station,
EDF – I Team, Central Crime Branch,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.

3.State Rep. by
Inspector of Police Station,
EDF – II Team, Central Crime Branch,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.
C.No.461/COP(V)/Camp/2022.

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to direct the respondent Police to not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.Pradeep Jayaraman
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.

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.461 of 2022 on the file of the EDF – IV Team, Central Crime Branch, Avadi.

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



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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 or EDF – IV Team, Central Crime Branch, Avadi proceeding to take action in accordance with law.

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 Commissioner of Police,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.
2. The Inspector of Police Station,
EDF – I Team, Central Crime Branch,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.
3. The Inspector of Police Station,
EDF – II Team, Central Crime Branch,
Avadi Police Commissionerate Office,
Avadi, Chennai – 54.
C.No.461/COP(V)/Camp/2022.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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