



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.4900 of 2024

A.Aslam Syed Azam

... Petitioner

Vs.

1. The Inspector of Police (Crime)
K-1, Sembium Police Station,
Perambur, Chennai - 600 011.

2. Mrs.Gracy

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent herein not to harass the petitioner and her family members in the guise of an enquiry except in a manner known to law.

For Petitioner : Mr.C.Sivanesan

For Respondent

No.1

: Mr.A.Gopinath

Government Advocate (Crl.Side)

**ORDER**

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This Criminal Original Petition has been filed to direct the 1st respondent herein not to harass the petitioner and her family members in the guise of an enquiry except in a manner known to law.

2. Heard learned counsel for the petitioner and the learned Government Advocate for the 1st respondent.

3. The learned Government Advocate appearing for the first respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.641 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



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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 petitioner against the respondents proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

01.03.2024

Index : Yes/No
Internet : Yes/No
adl

To

1. The Inspector of Police (Crime)
K-1, Sembium Police Station,
Perambur, Chennai - 600 011.
2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH,J.



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4

adl

CRL.O.P.No.4900 of 2024

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