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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5159 of 2024

J.Mohammed Ibrahim

... Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Chengalpattu District,
Chengalpattu 603 001.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.R.Lokseshwaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent not to harass the petitioner under the guise of enquiry.



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2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

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 C.No.1 of 2024 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 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.



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

05.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

1. The Inspector of Police,
District Crime Branch,
Chengalpattu District,
Chengalpattu 603 001.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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