



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

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CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5040 of 2024

1.Aarthi Priyanka

2.T.E.Karthikeyan

... Petitioners

Vs.

1.The Assistant Commissioner of Police,
Ayyanavaram Police Station,
Kilpauk, Chennai District.

2.State Represented by
Inspector of Police,
K 2, Ayyanavaram Police Station,
Kilpauk, Chennai District.

3.Mr.Murgaiyah

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondent not to harass the 1st and 2nd petitioners herein in guise of enquiry.

For Petitioner : Mr.V.Deepan Raj Krishna

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2



ORDER

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This Criminal Original Petition has been filed seeking for a direction to direct the 1st and 2nd respondent not to harass the 1st and 2nd petitioners herein in guise of enquiry.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

3. The learned Additional Public Prosecutor submitted that there is a case and counter and that in both the petitions enquiry is pending in CSR No.939 of 2023 and CSR No.890 of 2023 on the file of the 2nd 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 Assistant Commissioner of Police,
Ayyanavaram Police Station,
Kilpauk, Chennai District.
2. The Inspector of Police,
K 2, Ayyanavaram Police Station,
Kilpauk, Chennai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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