



Criminal Original Petition Nos.5495 & 5499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition Nos.5495 and 5499 of 2024

Krishnakumari,
W/o.Murugesan Pandian ... Petitioner in CrI.O.P.No.5495/2024

Nirmal Kumar,
S/o.Murugesan ... Petitioner in CrI.O.P.No.5499/2024
Vs.

1. The Assistant Commissioner of Police,
Teynampet Saragam,
Chennai – 06.

2. N.Geetha,
W/o.Narayanan ... Respondents in both CrI.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure praying to direct the first respondent not to harass these petitioners and their family members under the guise of enquiry/investigation.

For Petitioner : Ms.R.J.Radhika
[in both CrI.O.Ps.]

For Respondents : Mr.A.Damodaran
[in both CrI.O.Ps.] Additional Public Prosecutor[R1]



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COMMON ORDER

These Criminal Original Petitions have been filed seeking a direction to the first respondent not to harass the petitioners and their family members under the guise of enquiry/investigation.

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

3. Learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in CP No.5 of 2024 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



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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 petitioners against the respondent police proceeding to take action in accordance with law.

With the above direction, these Criminal Original Petitions are disposed of.

08.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Assistant Commissioner of Police,
Teynampet Saragam,
Chennai – 06.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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