



WEB COPY



Criminal Original Petition No.5375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5375 of 2024

N.Selvam

S/o.Narayanan

... Petitioner

Vs.

1. The Superintendent of Police
District of Villupuram
No.29, Master plan Complex
First Floor, Collector Office Road
Movendar Nagar
Villupuram – 605 602.

2. The Deputy Superintendent of Police
District of Villupuram
V.O.C Street, Thiru.Vi.Ka.Road
Villupuram – 605 602.

3. The State represented
by its Inspector of Police
District Crime Branch (D.C.B)
Villupuram District,
Villupuram – 605 602.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the third respondent herein not to harass the petitioner by appreciating the above stated facts and circumstances.



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For Petitioner : Mr.L.Gavaskar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the third respondent herein not to harass the petitioner by appreciating the above stated facts and circumstances.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents.

3. Learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CP No.22 of 2024 on the file of the third respondent.

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



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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 respondent police proceeding to take action in accordance with law.

With the above direction, this Criminal Original Petition is disposed of.

06.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm



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N.ANAND VENKATESH, J

gm

To

- 1.The Superintendent of Police
Thirupathur District.
- 2.The Inspector of Police
Kandhi Police Station
Thirupathur District.
- 3.The Public Prosecutor
Madras High Court
Chennai - 104.

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