



Criminal Original Petition No.5353 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.5353 of 2024

P.Thangaraj
Son of Pazhaniyappan

... Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai
Commissioner Office Building
E.V.K.Sampath Road
Veppery, Chennai – 600 007.

2. The Inspector of Police
V3-JJ Nagar Police Station
JJ Nagar, Chennai.

3. Haasini
W/o.Allwyn

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the second respondent not to harass the petitioner, who is a senior citizen by considering the petitioner's representation dated 26.02.2024 and to pass such further or other orders as this Court may deem fit and proper.



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For Petitioner : Mr.V.Raja

For Respondents : Mr.A.Damodaran
Addl.Public Prosecutor [R1 &R2]

ORDER

This Criminal Original Petition has been filed seeking a direction to the second respondent not to harass the petitioner, who is a senior citizen by considering the petitioner's representation dated 26.02.2024.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2.

3. Learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.318 of 2023 on the file of the second 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

N.ANAND VENKATESH, J



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gm

To

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2. The Inspector of Police
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3. The Public Prosecutor
Madras High Court
Chennai - 104.

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