



WEB COPY



CrI.O.P.No.5558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5558 of 2024

Sivaram. S

.. Petitioner

Vs.

State of Tamilnadu,
Represented by
The Inspector of Police,
E-2, Royapettah Police Station,
Law and Order, Chennai.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent Police to not to harass the petitioner in the guise of investigation by the respondent Police.

For Petitioner	:	Mr.K.S.Karthikeyan
For Respondent	:	Mr.A.Damodaran Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the respondent herein not to harass the petitioner under the guise of enquiry.

2.Heard learned counsel for petitioner and learned Additional



Public Prosecutor appearing on behalf of respondent.

WEB COPY

3.The learned counsel for the petitioner submitted that there is a matrimonial dispute wherein the husband is being harassed repeatedly for calling for enquiry and the present complaint has been given by the father-in-law. The learned counsel submitted that in the name of enquiry the petitioner is being harassed.

4.Learned Additional Public Prosecutor appearing for the respondent submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.9 of 2024 on the file of the respondent.

5.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 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



WEB COPY



Cr1.O.P.No.5558 of 2024

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.

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

07.03.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. State of Tamilnadu,
Represented by
The Inspector of Police,
E-2, Royapettah Police Station,
Law and Order, Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai.

N.ANAND VENKATESH, J.



WEB COPY



Crl.O.P.No.5558 of 2024

krk

Crl.O.P.No.5558 of 2024

07.03.2024