



WEB COPY



Criminal Original Petition No.5712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5712 of 2024

Rikhab Chand Sisodiya,
S/o.Vijayaraj

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram City Police,
Tambaram, Chennai.
2. The Assistant Commissioner of Police,
Tambaram Region, Tambaram,
Chennai.
3. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai – 45.
4. The Sub-Inspector of Police,
S-11, Tamabaram Police Station,
Tambaram, Chennai – 45.
5. S.Venkatesan,
S/o.Late E.Sigamani.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents 3 & 4 not to harass the petitioner and also direct the respondents 3 & 4 to return the petitioner's cellphone Apple iPhone forthwith to him.



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For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor[R1 to R4]

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 3 & 4 not to harass the petitioner and also direct the respondents 3 & 4 to return the petitioner's cellphone Apple iPhone forthwith to him.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents 1 to 4.

3. Learned Additional Public Prosecutor appearing for the respondents 1 to 4 submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.2339 of 2023 on the file of the fourth 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



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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 respondent police proceeding to take action in accordance with law.

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

08.03.2024

Speaking Order/Non-speaking Order
Index : Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J.



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gm

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3. The Inspector of Police,
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5. The Public Prosecutor,
High Court, Madras.

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