



WEB COPY



Criminal Original Petition No.5787 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 No.5787 of 2024

1.R.Gopalakrishnan
S/o.Late Rajaram Pillai

2.G.Karmegam
S/o.Gopalakrishnan

... Petitioners

Vs.

1.The Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Mayilam Nagar Police Station,
Villupuram District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents not to harass the petitioners under the guise of enquiry on a complaint lodged by Mrs.Lakshmi Devi, mother of first petitioner.

For Petitioner : Mr.J.Bharathi Raja

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



Criminal Original Petition No.5787 of 2024

ORDER

WEB COPY This Criminal Original Petition has been filed seeking a direction to the respondents not to harass the petitioners under the guise of enquiry on a complaint lodged by Mrs.Lakshmi Devi, mother of first petitioner.

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 petitioners, petition enquiry is pending in CSR No.79 of 2024 on the file of the second 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 cases where preliminary enquiry can be conducted and has also restricted



Criminal Original Petition No.5787 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 petitioners 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

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To

1.The Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Mayilam Nagar Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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