



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.5797 of 2024

R.Ganapathi

.. Petitioner

-VS-

1. The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Dr.Muthulakshi Road,
Indira Nagar, Adayar,
Chennai 600 020.

2. The Inspector of Police,
J3- Guindy Police Station,
Guindy, Chennai 600 032

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner and her family under the pretext of enquiry.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner and his family members in the name of enquiry without due process of law.



Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.193 of 2024 on the file of the respondent police.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of 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 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 respondents proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed.



WEB COPY

11.03.2024

Index : Yes/No

Internet : Yes/No

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To

1. The Assistant Commissioner of Police,
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Dr.Muthulakshi Road,
Indira Nagar, Adayar,
Chennai 600 020.
2. The Inspector of Police,
J3- Guindy Police Station,
Guindy, Chennai 600 032
- 3.The Public Prosecutor,
High Court, Madras.



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4

N.ANAND VENKATESH,J.

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