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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.6530 of 2024

1.Dr.A.Harshan

2.Mrs.Dr.K.V.Shwathi

... Petitioners

Vs.

1.The Superintendent of Police,
Coimbatore District.

2.The Inspector of Police,
Anaimalai Police Station,
Coimbatore.

3.Mrs.Shantha Sabapathy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue the direction to the 1st and 2nd respondents not to harass the Petitioners under the guise of enquiry pending on a complaint lodged by 3rd respondent.

For Petitioners : Mr.P.R.Ashok

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the 1st and 2nd respondents not to harass the Petitioners under the guise of enquiry pending on a complaint lodged by 3rd respondent.

2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents 1 & 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in CSR.No.70/2024 on the file of the respondent police.

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

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

18.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

1. The Superintendent of Police,
Coimbatore District.
2. The Inspector of Police,
Anaimalai Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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