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Crl.OP.No.7291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7291 of 2024

1. Ranjith Kumar,
S/o.Manickam

2. Saraswathi,
W/o. Ranjith Kumar

... Petitioners

Vs.

1. The Superintendent of Police,
Namakkal District.

2. State, Rep. by the Inspector of Police,
District Crime Branch,
Namakkal District.
(Crime No.Not Know of 2024)

3. A.Sudhakar,
S/o.Arumugam.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 and 2 not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.J.Ranjithkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 & R2]
Mr.W.Camyles Gandhi [R3]



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ORDER

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This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 not to harass the petitioners under the guise of enquiry.

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

3. Learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in CP No.191 of 2023 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



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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.

26.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Superintendent of Police,
Namakkal District.
2. The Inspector of Police,
District Crime Branch,
Namakkal District.
(Crime No.Not Know of 2024)
3. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.

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