



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.7723 of 2024

S.K.Jaiyaprakaash

...Petitioner

Vs

1.The State rep. by its
Deputy Commissioner of Police,
Tambaram West, Tambaram,
Chennai – 600 045.

2.Suresh Kumar

3.Inbanithi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct to the 1st respondent not to harass the petitioner under guise of the enquiry.

For Petitioners : M/s.Om Sai Ram

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
for R1



ORDER

This Criminal Original Petition has been filed to direct to the 1st respondent not to harass the petitioner under guise of the enquiry.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

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 C.No.3704 of 2023 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



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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.

28.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
SSR

To

1. The Deputy Commissioner of Police,
Tambaram West, Tambaram,
Chennai – 600 045.



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N.ANAND VENKATESH, J

SSR

2.The Public Prosecutor,
High Court, Madras.

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