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CrI.O.P.No.7954 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.04.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**CrI.O.P.No.7954 of 2024**

Karuppaiah

... Petitioner

Vs.

1.The State,  
Rep. by the Inspector of Police,  
B-5, Walajabad Police Station,  
Kancheepuram District.

2.The District Superintendent of Police,  
Collectorate Compound,  
Vandavasi Road,  
Kancheepuram District – 631 501.

... Respondents

**Prayer:**

Petition filed under Section 482 of Cr.P.C., seeking to direct the respondent not to harass the petitioner in any manner in the above matter pending enquiry on the file of the respondent Police.

For Petitioner : Mr.R.Prem Anandhan  
For Respondents : Mr.K.M.D.Muhilan  
Government Advocate (CrI. Side)

**O R D E R**

This criminal original petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.



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2. Heard learned counsel for petitioner and learned Government Advocate (Crl. Side).

3. Learned Government Advocate (Crl. Side) appearing for the respondents Police submitted that the petitioner is required for an enquiry.

4. In view of the above, there shall be a direction to the respondent police to issue notice under Section 41A of Cr.P.C., and call the petitioner for an enquiry.

5. The petitioner is directed to co-operate with the police for enquiry and at the time of conducting 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



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made out, the first respondent is 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.

6.With the above direction, this criminal original petition is disposed of.

01.04.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Inspector of Police,  
B-5, Walajabad Police Station,  
Kancheepuram District.
- 2.The District Superintendent of Police,  
Collectorate Compound,  
Vandavasi Road,  
Kancheepuram District – 631 501.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



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**M.DHANDAPANI,J.**  
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