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Crl.O.P.No.7932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7932 of 2024

Murugesan

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunchengode Road,
Namakkal District.

2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Paramathi Road,
Namakkal District.

3.The Inspector of Police,
Mohanur Taluk Police Station,
Namakkal District.

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to direct the third respondent not to harass the petitioner under the guise of enquiry without due process of law to secure the ends of justice.

For Petitioner : Mr.S.Senthil
For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

O R D E R

This criminal original petition has been filed to direct the



Crl.O.P.No.7932 of 2024

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 submitted that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in C.S.R.No.31 of 2024 on the file of the third respondent.

4. 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 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



CrI.O.P.No.7932 of 2024

proceeding to take action in accordance with law.

WEB COPY

5.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 Superintendent of Police,
Tiruchengode Road,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Paramathi Road,
Namakkal District.
- 3.The Inspector of Police,
Mohanur Taluk Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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CrI.O.P.No.7932 of 2024

M.DHANDAPANI,J.
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