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Crl.O.P.No.11308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM:

THE HONOURABLE Mr. JUSTICE K.KUMARESH BABU

Crl.O.P.No.11308 of 2024

Aasika

... Petitioner

Vs.

1.State by: The Superintendent of Police
Mayiladuthurai District
Mayiladuthurai 609 001.

2.The Inspector of Police
Kuttalam Police Station
Kuttalam, Mayiladuthurai District.

...Respondents

Prayer: Criminal Original Petition filed 482 of the Criminal Procedure Code, to direct the respondents to consider the representation of the petitioner dated 30.04.2024 and direct to not to harass the petitioner and his family members.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Respondents not to harass the Petitioner and his family members in the name of enquiry without due process of law.

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

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending 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



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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 petitioner against the respondents proceeding to take action in accordance with law.

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

08.05.2024

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.
dna

To

- 1.The Superintendent of Police
Mayiladuthurai District
Mayiladuthurai 609 001.
- 2.The Inspector of Police
Kuttalam Police Station
Kuttalam, Mayiladuthurai District.

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