



Crl.O.P.No.25235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

Crl.O.P.No.25235 of 2024

1. J.Syed Abthahir
2. J.Amjath Khan
3. J.Nisar Hussain

...Petitioners

Vs

The State represented by
Inspector of Police,
D6, Anna Square Police Station,
Chennai - 600 005.
(CSR.No.310/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS Act, praying to direct the respondent not to harass the petitioners by the respondent Police based on the complaint dated 22.07.2024 on the file of the respondent Police.

For Petitioners : Mr.R.Rajan

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



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ORDER

This criminal original petition has been filed to direct the respondent not to harass the petitioners based on the complaint dated 22.07.2024 on the file of the respondent Police.

2. Heard learned counsel for petitioners and learned Government Advocate (Crl.Side) appearing on behalf of respondent.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in CSR No.310 of 2024 on the file of the 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



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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 respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

09.10.2024

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

vji

To

1. The Inspector of Police,
D6, Anna Square Police Station,
Chennai - 600 005.
2. The Public Prosecutor,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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