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CrI.O.P.No.25260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

CrI.O.P.No.25260 of 2024

1. Manikandan
2. Santhakumari
3. Thiyagarajan Gopalakrishnan
4. Lakshmi Prabha Thiyagarajan
5. Pandurangam
6. N.Sankar

...Petitioners

Vs

1. The Commissioner of Police,
Coimbatore City,
Coimbatore - 18.
2. The Deputy Commissioner of Police,
Coimbatore City,
Coimbatore - 18.
3. The Inspector of Police,
Central Crime Branch - II,
Coimbatore District.

... Respondents



Crl.O.P.No.25260 of 2024

PRAYER : Criminal Original Petition filed under Section 528 of BNSS Act, praying to direct the respondents not to harass the petitioners and their family members.

For Petitioners : Mr.K.E.Gunashekar

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

O R D E R

This criminal original petition has been filed to direct the respondents not to harass the petitioners and their family members.

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

3. Learned Government Advocate (Crl.Side) appearing for the respondents submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in on the file of the respondents.



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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 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 petitioners against the respondents 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



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Coimbatore - 18.
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Coimbatore City,
Coimbatore - 18.
3. The Inspector of Police,
Central Crime Branch - II,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI , J.

vji

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