



WEB COPY

Crl.O.P.No.28247 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.28247 of 2023

D.Srinivasan

... Petitioner

Vs.

1.The Commissioner of Police,
O/o The Commissioner of Police,
Avadi, Chennai 600 054.

2.The Inspector of Police,
W-30, All Women Police Station,
near Kumadan Chavadi POlice Quarters,
Poonamallee,
Chennai 600 056.

3.P.Pavithra

...Respondents

Prayer: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure to direct the respondent not to harass the petitioner and his family members under the rise of investigation in the odd hours.

For Petitioners	: Mr.R.Arun Kumar
For Respondents	: Mr.A.Damodaran
	Additional Public Prosecutor

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 Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR.No.563 of 2023 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 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.



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

18.01.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Commissioner of Police,
O/o The Commissioner of Police,
Avadi, Chennai 600 054.
2. The Inspector of Police,
W-30, All Women Police Station,
near Kumadan Chavadi Police Quarters,
Poonamallee,
Chennai 600 056.
3. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

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