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Criminal Original Petition No.2338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2338 of 2024

S.Saravanan

S/o.Subramaniyan

... Petitioner

Vs.

1. State rep. by

The Inspector of Police,
All Women Police Station,
Cuddalore.

2. Banupriya

W/o.Saravanan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the first respondent police not to harass the petitioner on the disguise of enquiry or in any other manner on the foisted complaint on the file of the respondent police station, without adhering to the mandatory provisions of law.

For Petitioner : Ms.Rajeswari Karthikeyan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

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This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner in the guise of enquiry.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of first respondent.

3. Learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the *de facto* complainant against the petitioner, petition enquiry is pending in CSR No.399 of 2023 on the file of the first 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



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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 first respondent proceeding to take action in accordance with law.

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

07.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
All Women Police Station,
Cuddalore.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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