



CrI.O.P.No.28866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.1.2024

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28866 of 2023

Muthamilselvan

...Petitioner

Vs.

1.The State rep.by
the Inspector of Police,
T-10 Manimanagalam
Police Station,
Kancheepuram District.

2.Mr.Kannan

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the first respondent not to harass the petitioner in the guise of enquiry upon the complaint of the second respondent in complaint receipt No.976 of 2023 on the file of the first respondent.

For Petitioner	:	Mr.G.Mageshkumar
For Respondent-1	:	Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct



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the first respondent not to harass the petitioner in the guise of enquiry upon the complaint of the second respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. The learned Additional Public Prosecutor appearing for the first respondent submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.976 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 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 the case of **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 first



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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.

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

02.1.2024

Index : Yes/No
Speaking Order : Yes/No

To

1.The Inspector of Police,
T-10 Manimanagalam
Police Station,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

ssr

N.ANAND VENKATESH,J



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