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Crl.OP.No.29259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29259 of 2023

1. Semmannan
S/o.Raju

2. K.Loganathan
S/o.Madhu Pillai

... Petitioners

Vs.

The Deputy Superintendent of Police,
District Crime Branch,
Cuddalore – 601 001.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent herein not to harass the petitioners on the basis of the complaints lodged by Gopinath and Badrinathan against the petitioners, which is purely civil in nature.

For Petitioners	: Mr.D.Shivakumaran
For Respondent	: Mr.A.Gopinath
	Government Advocate [Crl.side]

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent not to harass the petitioners on the basis of complaints lodged by Gopinath and Badrinathan against the petitioners, which is purely civil in nature.



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2. Heard Mr.D.Shivakumaran, learned counsel for petitioners and Mr.A.Gopinath, learned Government Advocate [CrI.side] appearing for respondent.

3. Learned Government Advocate [CrI.side] appearing for respondent submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.P.No.6584 of 2023 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 the case of ***Lalitha Kumari Vs. Government of Uttar Pradesh*** [reported in ***2013 (6) CTC 353***] has enumerated the nature of cases where the preliminary enquiry can be conducted and has also restricted the period, for which, the 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.



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With the above directions, the Criminal Original Petition is disposed of.

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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Deputy Superintendent of Police,
District Crime Branch,
Cuddalore – 601 001.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

gm

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