

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.25232 of 2018

1.K.Murugan

2.M.Annalakshmi

.. Petitioners/Accused

-vs-

The State Rep. by

The Inspector of Police

All Women Police Station,

Ambattur, Chennai.

(Crime No.Not Known of 2018)

.. Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent Police, not to harass the petitioners on the complaint of the defacto complainant in connection with the crime No.Not Known of 2018 on the file of the respondent police.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction direction the respondent police not to harass the petitioners under the guise of enquiry.

2.Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in CSR.No.414 of 2018 on the file of the respondent police.

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of 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 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, third 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.

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

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police
All Women Police Station,
Ambattur, Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai.

CRL.O.P.No.25232 of 2018

MR (CO)
SP (28/11/2018)

सत्यमेव जयते

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