

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.25285 of 2018

1.Fairoja Begam (F/Age-42)
W/o.Sikkander

2.Sikkander (M/Age-50)

.. Petitioners

-vs-

The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District.

.. Respondent

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass the petitioners under the guise of the enquiry.

For Petitioner : M/s.R.Mohan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners under the guise of the 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 viz.,Riswan Begum against the petitioners, the petition enquiry is pending in C.S.R.No.319 of 2018 on the file of the respondent police.

4.The petitioners are 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, 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.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rri/rm

To

1.The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District.

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

+1 cc to Mr.Mohan, Advocate Sr.No.77137

CRL.O.P.No.25285 of 2018

MG(CO)
CSL/29.11.2018

WEB COPY

09.11.2018



WEB COPY