

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2018

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.25410 of 2018

- 1.Murugan
S/o.Ramanathan (M/52)
- 2.U.Nandakishore
S/o.UdhayaChandra (M/26)

.. Petitioners

-VS-

- 1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam,
Tamilnadu.
- 2.The Inspector of Police,
Sirkazhi Police Station,
Sirkazhi,
Nagapattinam District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents police not to harass the petitioners in the Blanket of enquiry in CSR no: not Known/2018 on the file of respondents police.

For Petitioners : M/s.L.Infant Dinesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

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

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one Mr.Ramar against the petitioners, a petition enquiry is pending in C.S.R.No.356 of 2018, on the file of the respondents 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, respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceedings to take action in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rri/rm

To

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam,
Tamilnadu.

2.The Inspector of Police,
Sirkazhi Police Station,
Sirkazhi,
Nagapattinam District.

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

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MG(CO)

rrs 10/12/2018