

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.26967 of 2018

- 1.Chinnasamy
- 2.Rajeswari
- 3.Srinivasan Ragavan
- 4.Kala

... Petitioners

Vs.

- 1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

- 2.The Inspector of Police,
District Crime Branch,
Dharmapuri.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to directing the respondents 1 and 2 not to harass the petitioners and their family members.

For Petitioners :Mr.C.Prabakaran

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

O R D E R

This 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 appearing for the petitioners and learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one Jayapoornima against the petitioners, petition enquiry is pending in C.S.R.No.582/2018 on the file of the second 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, second 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 direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
District Crime Branch,
Dharmapuri.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

+1 cc to Mr.C.Prabakaran, Advocate Sr.No.81034

CrI.O.P.No.26967 of 2018

SSD(CO)
CSL/10.12.2018

WEB COPY