

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27160 of 2018

1.T.Boolakshmi
2.G.Nagaboosana
3.N.Pandurangan

... Petitioners/Victims

Vs.

The State by:
The Inspector of Police,
D1, Tirutani Police Station,
Tirtutani.

...Respondent/Complainant

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein not to harass the petitioners.

For Petitioners : Mr.N.R.Kaushik

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

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 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 C.S.R.No.382 of 2018, on the file of the respondent police.

4.The petitioners are directed to co-operate 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, 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
D1, Tirutani Police Station,
Tirutani.

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

+1cc to Mr.N.R.Kaushik, Advocate, S.R.No.80609

Crl.O.P.No.27160 of 2018

SR(Co)
CS/11/12/2018

सत्यमेव जयते

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