

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28326 of 2018

V.Premasudha

.. Petitioner

-vs-

The Inspector of Police,
K5, Peravallur Police Station,
Peravallur, Chennai.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass in the name of enquiry and to stop her ill-treatment to the petitioner and to assassinate her character.

For Petitioner : Mr.B.Sharmila

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 in the name of enquiry and to stop her ill-treatment to the petitioner and to assassinate her character.

2.Heard learned Counsel for the petitioner 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 one Divya, petition enquiry is pending in C.No.117/2018 dated 31.10.2018, on the file of the respondent police.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner 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 petitioner against the respondent proceeding to take action in accordance with law.

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

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
K5, Peravallur Police Station,
Peravallur, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Sharmila, Advocate SR.No.83848

GMV (21/12/2018)

सत्यमेव जयते

CRL.O.P.No.28326 of 2018

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