

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28786 of 2018

S.Vasanthi

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police (Crime),
E-3, Saravanampatty Police Station,
Coimbatore City,
Coimbatore - 641 035.

2.A.Joseph Anand

3.S.Lokesh Waranath Singh

4.Veerapandian

5.Vijay

6.Bharathiraja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent police to not to interfere in pure civil dispute and money matters and also not to harass the petitioner and her husband under the guise of enquiry.

For Petitioner :Mr.R.Krishnamurthy

For R1 :Mr.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking for direction to the first respondent police not to harass the petitioner and her husband.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the first respondent police.

3.The learned Counsel appearing for the petitioner submits that the first respondent police harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the first respondent police submits that on the complaint given by the defacto complainants against the petitioner, petition enquiry is pending in C.No.2358 of 2018 on the file of the first respondent police

5.The petitioner is directed to cooperate 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, 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.

6. This Criminal Original Petition is disposed of with the above direction.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

lpp/vsa

To

1.The Inspector of Police (Crime),
E-3, Saravanampatty Police Station,
Coimbatore City,
Coimbatore - 641 035.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Krishnamurthy, Advocate sr 87155.

Cr1.O.P.No.28786 of 2018

SP(08/01/2019)