

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29544 of 2018

V.Manimegalai

: Petitioner

Vs.

1.B.Guru @ Gurumurthy

2.P.Ramasamy

3.The Inspector of Police (L & O),
E-3, Teynampet Police Station,
Chennai-600 018.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the 3rd respondent Inspector of Police, E-3, Teynampet Police Station, not to harass the petitioner and her children enabling them to lead a peaceful family life.

For Petitioner : Mr.T.Jayaramaraj

For R-3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the third respondent/ Inspector of Police, E-3, Teynampet Police Station, not to harass the petitioner and her children enabling them to lead a peaceful family life.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the third respondent.

3. The learned Additional Public Prosecutor appearing for the third respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.1092 of 2018 on the file of the third respondent police.

4. 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, second 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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ia/vsg1

To:

1. The Inspector of Police (L & O),
E-3, Teynampet Police Station,
Chennai-600 018.
2. The Public Prosecutor,
Madras High Court, Madras.

+1 cc to Mr.E.Paulraj, Advocate, S.R.No.87618

MP (CO)
SSM(21/01/2019)

सत्यमेव जयते

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