

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29872 of 2018

1.M.Gunasekaran
2.G.Kaveri

... Petitioners

Vs.

State by:

The Inspector of Police,
W-7, Anna Nagar All Women Police Station,
Anna Nagar, Chennai.

.... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioners in the name of enquiry on the basis of complaint foisted by Ms.Madhuri Priya or by her father Mr.Ramu or by her mother Mrs.Rajini Ramu.

For Petitioners :Mr.S.M.Murali Dharan

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

O R D E R

The Criminal Original Petition has been filed seeking for direction to the respondent police not to harass the petitioners in the name of enquiry.

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

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

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the de facto complainant against the petitioners, petition enquiry is pending in Ref.No.791/DCAN Camp/PG/2018.

5.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, 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.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

lpp/vsa

To

- 1.The Inspector of Police,
W-7, Anna Nagar All Women Police Station,
Anna Nagar, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.M.Murali Dharan, Advocate SR.No.88906

सत्यमेव जयते

Cr1.O.P.No.29872 of 2018

RGN (CO)
GMY (28/01/2019)

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