



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. (MD) No.1379 of 2018

and

Crl.M.P. (MD) No.834 of 2018

1.Arumugam
2.Indira
3.A.Saravanan

... Petitioners

Vs.

1. The Superintendent of Police,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
District Crime Branch, Sivagangai,
Sivagangai District.

3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents not to harass the petitioners under the guise of enquiry by way of interfering with the matter pertaining to the civil in nature.

For Petitioners : Mr.V.Malaiyendran

For R1 and R2 : Mr.M.Chandra Sekaran

Additional Public Prosecutor

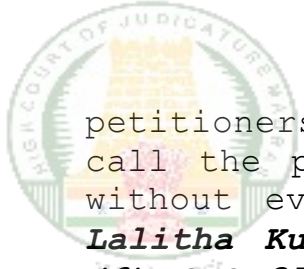
ORDER

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 the learned Counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioners, petition enquiry is pending on the file of the respondent police

4.The petitioners are directed to cooperate 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, third 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. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Sivagangai,
Sivagangai District.
2. The Inspector of Police,
District Crime Branch, Sivagangai,
Sivagangai District.
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ta

MK/SV/SAR 4/10.09.2018/2P/5C

CrI.O.P. (MD) .No.1379 of 2018
16.08.2018