



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.2396 of 2018

1.R.Velmurugan
2.V.Manthira Vinayagam
3.A.Selvam
4.M.Ravi
5.K.Chandran

... Petitioners

Vs.

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

2.The Additional Superintendent of Police,
Superintendent of Police Office,
Ramanathapuram District, Ramanathapuram.

3.P.Jeyalakshmi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent herein not to harass the petitioners on the basis of the 1st petitioner's representation dated 07.12.2017.

For Petitioners : Ms.V.Karuna
For R-1 and R-2 : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

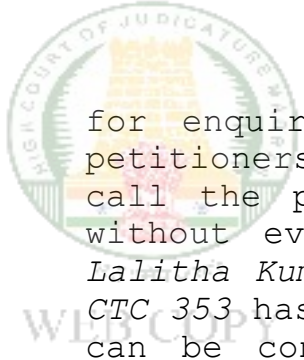
This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioners under the guise of enquiry.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the first and second respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioners, petition enquiry is pending in C.No.G3/2397/031584/2017 on the file of the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>

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, first 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 direction, this Criminal Original Petition is closed.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
- 2.The Additional Superintendent of Police,
Superintendent of Police Office,
Ramanathapuram District, Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.2396 of 2018
20.08.2018

SJI
KK/RP/SAR-3/06.09.2018/2P-4C