



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.2554 of 2018

WEB COPY

1.Ashok Kumar
2.Laxmi
3.Kasiammal
4.Jeyandhi
5.Kasi
6.Dhanabackiam
7.Jothy

... Petitioners

Vs.

1.The Superintendent of Police,
Office of Superintendent Police,
Dindigul District.

2.State Represented by
The Inspector of Police,
Ammaiyanayakanur Police Station,
Nilakkottai Taluk, Dindigul District.

3.A.Kalairasi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioners under the guise of enquiry.

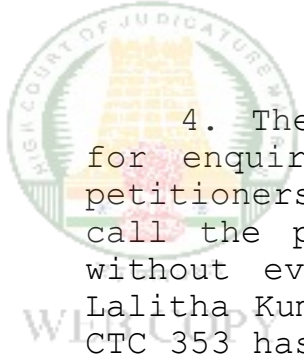
For Petitioners	: Mr.S.Moorthy
For R-1 and R-2	: Mr.M.Chandrasekaran Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioners in name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the 1st and 2nd respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Mr.A.Kalairasi against the petitioners, petition enquiry is pending in C.S.R. No.33 of 2018 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, 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(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Superintendent of Police,
Office of Superintendent Police,
Dindigul District.
- 2.The Inspector of Police,
Ammaiyanayakanur Police Station,
Nilakkottai Taluk, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.2554 of 2018
20.08.2018

SJI
ES/RP/SAR 3/18.09.2018/2P/4C