



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.4448 of 2018

S.Senthil Kumari

... Petitioner

Vs.

1.The Commissioner Police,
Madurai Town, Madurai.

2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.

3.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents or their men not to harass the petitioner and his family.

For Petitioner
For Respondents

: Mr.A.Joseph Jerry
: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (Crl.side) for the respondents.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that FIR was registered in Crime No.59 of 2018 as against the petitioner's husband and the petitioner was enquired in that regard. If the Police wants to enquire the petitioner, proper summons may be issued to the petitioner and in the name of the enquiry, the petitioner shall not be harassed.

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(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Commissioner Police,
Madurai Town,
Madurai.
- 2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
- 3.The Inspector of Police,
Subramaniayapuram Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

GNS
DS RP SAR-4 03.10.2018 2P/5C

CrI.O.P. (MD) No.4448 of 2018