



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.4480 of 2018

1.Saleemraja

2.Fathima Sulthana

... Petitioners

Vs.

1.State Rep.by

The Inspector of Police,
District Crime Branch,
Madurai.

2.S.K.Sirajudeen

...Respondents

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

For Petitioners : Mr.V.Venkatasamy
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

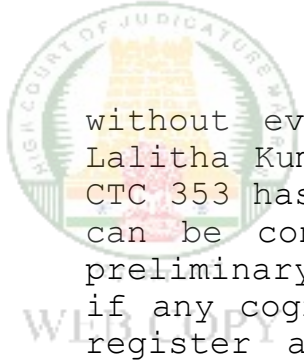
ORDER

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

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) for the first respondent.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on the complaint given by the second respondent, namely S.K.Sirajudeen, against the petitioners, petition enquiry is pending in C.No.65/DCB/DSP/2017 on the file of the first 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 Police proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Inspector of Police,
District Crime Branch,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madura.

GNS

DS RSK SAR-4 01.10.2018 2P/3C

Cr1.O.P. (MD) No.4480 of 2018
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