



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)Nos.4575 & 4416 of 2018

Crl.O.P.(MD)No.4575 of 2018

P.Gomathi

... Petitioner

Vs.

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

2.The Inspector of Police,
Town West Police Station,
Dindigul, Dindigul District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner in the name of enquiry by receiving complaints against the petitioner in respect of the real estate allegedly run by petitioner's husband S.Palani and his partners.

Crl.O.P.(MD)No.4416 of 2018

P.Gomathi

... Petitioner

Vs.

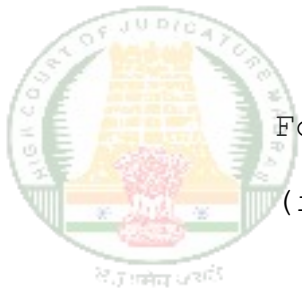
1.The Deputy Inspector General of Police,
South Zone,
Race Course, Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Dy. Superintendent of Police,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner in the name of enquiry by receiving complaints against the petitioner in respect of the real estate allegedly run by petitioner's husband S.Palani and his partners.



For Respondents
(in both CrI.O.Ps.)

: Mr.K.Suyambulinga Bharathi
Government Advocate (CrI.side)

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COMMON ORDER

These Criminal Original Petitions have been filed to direct the respondents in each petitions and their officials not to harass the petitioner and her family members unnecessarily against law under the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (CrI.side) for the respondents in each petitions.

3. The learned Government Advocate (CrI.side) appearing for the respondents / Police submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending.

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, respondents / Police is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

5. With the above direction, these Criminal Original Petitions are closed.

Sd/
Assistant Registrar(RTI)

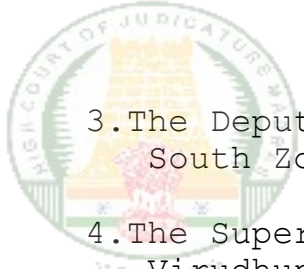
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Sub Assistant Registrar(CS-II)

To

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

2.The Inspector of Police,
Town West Police Station,
Dindigul, Dindigul District.



3.The Deputy Inspector General of Police,
South Zone, Race Course, Madurai.

4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

5.The Dy. Superintendent of Police,
Virudhunagar, Virudhunagar District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.4575 of 2018 and 4416 of 2018
21.08.2018

gns
KK/SKN/SAR-2/18.09.2018/3P-7C