



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.4784 of 2018

WEB COPY

S.Maclean Roy

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep by the Secretary
Department of Home,
Secretariat,
St.George Fort,
Chennai-9.

2.The Director General of Police,
O/o. the Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-5.

3.The Superintendent of Police,
O/o, the Superintendent of Police,
Kanyakumari District.

4.Sree Abinav I.P.S.,
The Additional Superintendent of Police,
Thukalai Range,
Kanyakumari District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction, directing the respondent No.4 not to interfere into the Civil dispute in respect of arbitration issue by considering the representation made by the petitioner dated 20.03.2018.

For Petitioner

: Mr.I.Pinaygash

For Respondents

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the fourth respondent 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
<https://hcservices.ecourts.gov.in/hcservices/>
learned Government Advocate (Crl.side) for the respondents.



3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given by the defacto complainant, against the petitioner, petition enquiry is pending in C.No.CAMP/petn/234/18 on the file of the fourth respondent police.

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/-

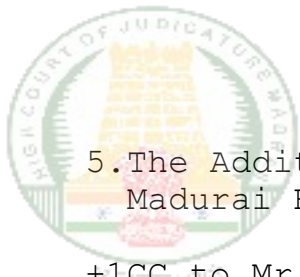
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Secretary to Government,
Department of Home,
The State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.
2. The Director General of Police,
O/o. the Director General of Police,
Kamarajar Salai,
Mylappure,
Chennai-5.
3. The Superintendent of Police,
O/o, the Superintendent of Police,
Kanyakumari District.
4. The Additional Superintendent of Police,
Inukalai Range,
Kanyakumari District.



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

+1CC to Mr. I. Pinaygash, Advocate, SR.No.79742

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21.08.2018

GNS

ES/SKN/RSK/SAR 1/26.09.2018/3P/7C