



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.4791 of 2018

1.Madhu Mohanan Nair

2.Usha M Nair

3.K.G.Ajayachandran Nair

4.R.P.Kala Ajayachandran

5.P.Sreekaanthan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Virudhunagar Sub Division,
Virudhunagar District.

2.Nandhini

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction to the first respondent not to harass the petitioners and their family members.

For Petitioners	: Mr.R.Shankar Ganesh
For R1	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Cr1.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 learned counsel appearing for the petitioners and learned Government Advocate (Cr1.side) for the first respondent.



3. The learned Government Advocate (Crl.side) appearing for the first respondent submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.G3/352/12/18/SP/VNR 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 first respondent's proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Deputy Superintendent of Police,
Virudhunagar Sub Division,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GNS

BU/MK/RSK/SAR-2 : 18.09.2018 : 2P/3C

Crl.O.P. (MD) No.4791 of 2018
21.08.2018