



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.4872 of 2018

1.Vellaiyammal

2.Sangeetha

3.Prakash

4.Kokila

5.Priya

6.Saravanan

7.Arivalagan

... Petitioners

Vs.

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

2.The Inspector of Police,
Pulivalam Police Station,
Trichy District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the second respondent not to harass the petitioners without following the due process of law.

For Petitioners	: Mr.M.Subash Babu
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Cr1.side)

ORDER

This Criminal Original Petition has been filed to direct the second 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 respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Government Advocate (Cr1.side) appearing for the respondent police submitted that case is registered in Crime No.19



of 2018 and the petitioners were enquired in that regard. It is also submitted that H.C.P.(MD)No.380 of 2018 is also pending with regard to the same issue. It is made clear that the respondent Police do not harass the petitioners in the name of enquiry.

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, second respondent is free to register an FIR and this order shall not be a shield for the petitioners 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(Records)

/True Copy/

Sub Assistant Registrar(CS-I)

gns

To

- 1.The Superintendent of Police,
Trichy, Trichy District.
- 2.The Inspector of Police,
Pulivalam Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Subash Babu, Advocate in SR No.79260

Cr1.O.P. (MD)No.4872 of 2018

NM/PM/SAR 1/01.10.18/2P/5C