



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.9130 of 2018

1.K.Divya Bharathi
2.Parvathy
3.Rajathi
4.Sakunthala
5.Thavamani

... Petitioners

Vs.

1.The Superintendent of Police,
Sivagangai, Sivagangai District,
2.The Deputy Superintendent of Police,
Ram Nagar, Devakottai, Sivagangai District.
3.The Inspector of Police,
All Women Police Station, Devakottai,
Sivagangai District.
4.Jeyaprakash

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent not to harass the petitioners on the guise of enquiry and not to interfere in the family dispute of the petitioners.

For Petitioners : Mr..S.Muthukumar
For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1. side)

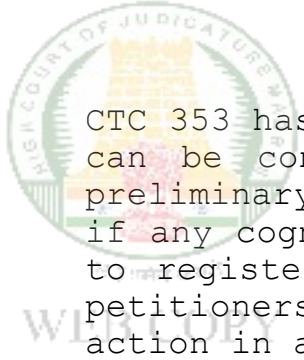
ORDER

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

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Cr1. side) appearing for the respondents 1 to 3.

3. The learned Government Advocate (Cr1. side) appearing for the respondents 1 to 3 would submit that on the complaint given by Jeyaprakash against the petitioners, the petition enquiry is pending in C.S.R.No.118/2018 on the file of the third 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 the 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, the third respondent is free to register an FIR and this order shall not be a shield for the petitioners against the official respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Sivagangai, Sivagangai District,
2. The Deputy Superintendent of Police,
Ram Nagar, Devakottai, Sivagangai District.
3. The Inspector of Police,
All Women Police Station, Devakottai,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) No. 9130 of 2018

NM/RSK/SAR 3/19.12.2018/2P/5C