



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.12359 of 2017

WEB COPY

1.Kaleeswari
2.Kalimuthu
3.M.Kaalirajan

... Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Theni, Theni District.

2.Lakshmiprabha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., direct the 1st respondent, not to harass the petitioners under the guise of enquiry based on the 2nd respondent's complaint.

For Petitioners : Mr.Muthalraj

For R1 : Mr.M.Chandra Sekaran

Additional Public Prosecutor

O R D E R

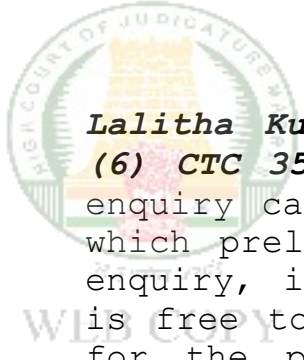
This Criminal Original Petition has been filed seeking for a direction to the first and second respondents not to harass the petitioners under the guise of enquiry.

2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the official respondent.

3.Earlier this matter was referred to mediation and conciliation centre attached to this Bench for settlement, but the Mediation could not succeed and the mediation and conciliation centre submitted a report in this regard.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioners, petition enquiry is pending on the file of the respondent police

5.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 respondent proceeding to take action in accordance with law.

6. With the above directions, the Criminal Original Petition is closed.

sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

- 1 .The Inspector of Police,
All Women Police Station,
Theni, Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MK/SKN/SAR 2/11.09.2018/2P/3C

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