



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.6390 of 2018

1.Sundaramahalingam
2.Murugan
3.Chellamani
4.Nagarajan

...Petitioners

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Bodinaickanur,
Theni District.

3.Murugeswari

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioners and their family members based on the enquiry.

For Petitioners :Mr.S.Muniyandi

For R1 and R2 :Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent police not to harass the petitioners and their family members under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Cr1.Side) for the respondent.

3.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 in C.No.Re6/92/1196/12763/2018 on the file of the 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, 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

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

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TR/RP/SAR-IV(03.10.2018)2P 4C