



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.17262 of 2017

1.Jeyamary

2.Periyandavar

... Petitioners

Vs.

1.The State represented by
The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Alankulam Police Station,
Tirunelveli District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Inspector of Police, Alankulam Police Station, Tirunelveli District not to harass the petitioners without due process of law under the garb of conducting an enquiry.

For Petitioners	: Mr.S.Madhan Kumar
For Respondents	: Mr.K.Chandrasekar
	Additional Public Prosecutor

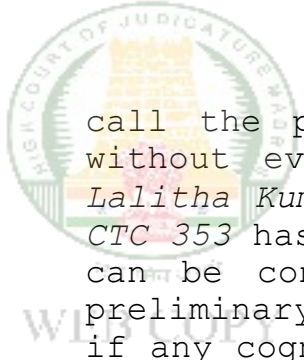
ORDER

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

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

3. The learned Additional Public Prosecutor appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R. No.342 of 2018 on the file of the second 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 direction, this Criminal Original Petition is closed.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-III)

To

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

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KK/RP/SAR-3/06.09.2018/2P-4C