



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2018

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. (MD) No.21642 of 2018

WEB COPY

1. Ganesan

2. Sermakani Ganesan

... Petitioners

Vs.

1. State Represented by
The Inspector of Police,
Tirunelveli Town Police Station (L & O),
Tirunelveli District.

2. Parvathi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C, to issue direction to the respondent police not to harass the petitioners on the guise of enquiry by calling the petitioners frequently.

For Petitioners : Mr.A.Banumathy

For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioners under the guise of enquiry.

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

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

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.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
Tirunelveli Town Police Station (L & O),
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Banumathy,Advocate Sr.No.99599

DAS

KM/PM/SAR4/24.12.2018/2P/4C

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