



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.21679 of 2018

WEB COPY

1. Jeyapandiammal
2. Pandiammal
3. Raja

... Petitioners

Vs.

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

2. The Inspector of Police,  
Allinagaram Police Station,  
Theni District.

3. Sekar

4. Mahendran

5. Palraj

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent herein not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.R.Vinoth Kumar

For R1 and R2 : Mr.R.Anandharaj,  
Additional Public Prosecutor

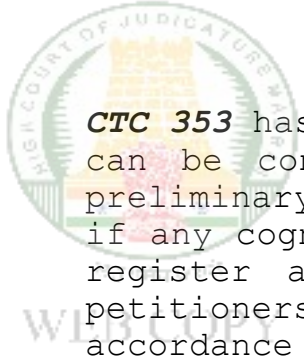
### **ORDER**

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

2. Heard learned counsel appearing for the petitioners.

3. The learned Additional Public Prosecutor would submit that the complaint was received by complainant on 03.12.2018 and they had appeared on receipt of summons and there was no harassment made by 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 direction, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

+1cc to Mr.R.Vinoth Kumar, Advocate Sr.No.99148

DAS

KM/SV/SAR3/21.12.2018/2P/5C

Cr1.O.P.(MD)No.21679 of 2018  
07.12.2018