



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.10273 of 2018

1.B.Karthick
2.Seenivasan
3.Balavenkatesan

... Petitioners

Vs.

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

2. The Inspector of Police,
Natham Police Station,
Dindigul District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioners herein under the guise of enquiry, pursuant to the representation of the petitioners dated 18.06.2018.

For Petitioners	: Mr.C.Mayilvahana Rajendran
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)

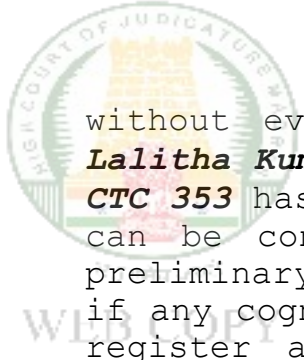
ORDER

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

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl.side) for the respondents.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R. No.165 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 (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

+ 1 CC TO Mr.C.MAYIL VAHANA RAJENDRAN, ADVOCATE IN SR No. 80484

GNS
TE/RSK/SAR-3 : 19/09/2018 : 2P/5C

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