



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.19063 of 2018

WEB COPY

R.Elendevan Chandran Jeyabala

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
All Women Police Station,
(Madurai South), Madurai.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner to withdraw the Divorce Petition before the Ist Additional Family Court, Chennai in the guise of enquiry.

For Petitioner : Mr.K.Manavalan
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner by intervening the civil dispute between the petitioner and the third respondent.

2. Heard the learned counsel appearing for the petitioner 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 de-facto complainant against the petitioner, petition enquiry is pending in C.S.R. No.367 of 2018, on the file of the second respondent police.

4. The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner 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 petitioner against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

/True Copy/

Sd/-

Assistant Registrar(AD-I)

Sub Assistant Registrar(CS-III)

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
All Women Police Station,
(Madurai South), Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TSG

ES/SKN/RSK/SAR 3/27.11.2018/2P/4C