



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.13809 of 2018

Samundeeswari

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
District Crime Branch,
Theni District.

3.Nowsath Ahamed

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent Police not to harass the petitioner under the guise of enquiry on the complaint made by one Nowsath Ahamed against the petitioner.

For Petitioner : Mrs.H.Yoheswari
For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioner and her family members unnecessarily against law under the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (Crl.side) for the respondent Nos.1 & 2.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on the complaint given by the third respondent/defacto complainant against the petitioner, petition enquiry is pending in C.No.760/GDP/1277/SP/TNI/18 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.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

Cr1.O.P.(MD)No.13809 of 2018
27.08.2018

GNS
ES/PM/SAR 1/26.09.2018/2P/4C