



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.11179 of 2018

WEB COPY

1.Chitra
2.Ilango
3.Siva
4.Senthil
5.K.Puspavalli

... Petitioners/Petitioners

Vs.

1. The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

2. The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Paramakudi Sub Division,
Paramakudi.

3.S.Durairaj

... Respondents/Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C to pass an order of direction, directing the second respondent not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.V.Sitharanjandas

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

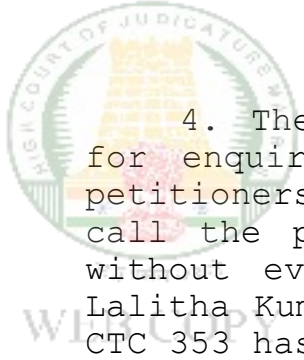
For R3 : Mr.M.S.Jeya Karthick

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioners.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl.side) appearing for the respondents 1 & 2.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given against the petitioner, 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.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Paramakudi Sub Division,
Paramakudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.V.Sitharanjandas, Advocate, SR.No.81188
+1CC to Mr.M.S.Jeya Karthick, Advocate, SR.No.81029

Cr1.O.P.(MD)No.11179 of 2018
29.08.2018

CM

ES/SKN/RSK/SAR 3/27.09.2018/2P/6C