



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.19277 of 2018

WEB COPY

1.Mumtaj
2.Pitchai Kani

... Petitioners

Vs.

1.The Commissioner of Police,
Commissioner Office,
Alagarkovil Main Road,
K.K.Nagar,
Madurai-625 002.

2.State through
The Inspector of Police,
E2, Police Station,
Madhichiyam,
Madurai-625 020.

3.Ibrahim

4.Sikkantharammal

5.Musthafa

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to interfere with the civil dispute and harass the petitioners.

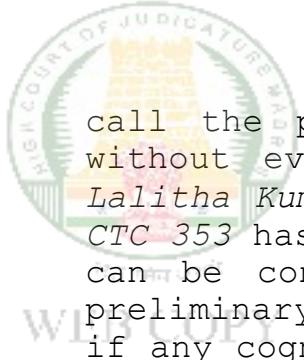
For Petitioners	: Mrs.Selvi. A.Hafiza
For R1 & R2	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl.side)
	ORDER

This Criminal Original Petition has been filed to direct the second respondent not to interfere with the civil dispute and not to harass the petitioners.

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

3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.R4/992/62536/18 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 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 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(Crl Side)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Commissioner of Police,
Commissioner Office,
Alagarkovil Main Road,
K.K.Nagar,
Madurai-625 002.
- 2.The Inspector of Police,
E2, Police Station,
Madhichiyam,
Madurai-625 020.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.19277 of 2018

gns
KK/RP/SAR-3/07.12.2018/2P-4C