



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.12606 of 2018

1.Veluchamy

2.Mangaiyakarasi

... Petitioners

Vs.

The State,
Rep by its Inspector of Police,
District Crime Branch,
Virudhnagar,
Virudhunagar.

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioners and his family members.

For Petitioners	: Mr.A.Baskaran
For Respondent	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Cr1.side)

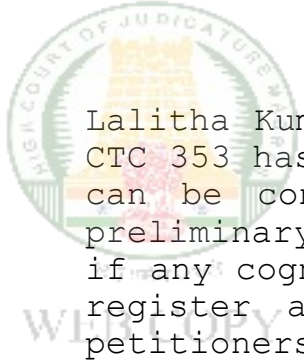
ORDER

This Criminal Original Petition has been filed to to direct the respondent not to harass the petitioners and his family members under the guise of enquiry.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Cr1.side) for the respondent.

3. The learned Government Advocate (Cr1.side) appearing for the respondent police submitted that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.No.G3/17014/18/843/18 on the file of the first 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 (WRIT)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
District Crime Branch,
Virudhnagar,
Virudhunagar.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Baskaran, Advocate in SR No.80465

Cr1.O.P. (MD) No.12606 of 2018

NM/RSK/SAR 3/19.12.2018/2P/4C