



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.13655 of 2018

1.D.Prabhu
2.K.Deivendran
3.D.Bhanumathy
4.D.Dharmendran
5.D.Sabriya

... Petitioners

Vs.

1.The Superintendent of Police,
Madurai, Madurai District.

2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

3.The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.

4.Ravithra

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 to 3 herein not to harass the petitioners in the guise of enquiry on the basis of the alleged complaint given by the fourth respondent against the petitioners herein.

For Petitioners	: Mr.D.Nallathambi
For R1 to R3	: Mr.K.Suyambulinga Bharathi, Government Advocate (Cr1.Side)
For R4	: Mr.S.Thamizharasan

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 not to harass the petitioner under the guise of enquiry on the basis of an alleged complaint given by the fourth respondent.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Cr1.Side) appearing for the respondents police.

3.The learned Government Advocate (Cr1.Side) appearing for the respondent police submits that on the complaint given by the fourth



respondent against the petitioners, petition enquiry is pending before the third respondent police.

4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting 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 F.I.R. and the 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, the third respondent is free to register an F.I.R. 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(AS)

/True Copy/

Sub Assistant Registrar(cs-III)

To

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
3. The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Nallathambi Advocate in SR.No.93694
+1cc to Mr.Mr.S.Thamizharasan Advocate in SR.No.93740

Cr1.O.P. (MD) No.13655 of 2018
31.10.2018

MYR
NM RP SAR3 28/11/2018 2P 7C