



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

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CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD).Nos.13707 to 13709 of 2018

Ayyanar ...Petitioner
in Crl.O.P. (MD)No.13707 of 2018

Udaiyar ...Petitioner
in Crl.O.P. (MD)No.13708 of 2018

Vijayalakshmi ...Petitioner
in Crl.O.P. (MD)No.13709 of 2018

Vs.

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

2.The Inspector of Police,
Kayathar Police Station,
Thoothukudi.

...Respondents

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the Inspector of Police, Kayathar Police Station, Thoothukudi District not to harass the petitioner by interfering in to their right of house property situated at Block Nos.588/2, 587/1 and 588/2, Respectively, South Mayilodai Village, Kayathar Taluk, Thoothukudi District.

(In all Crl.O.Ps)
For Petitioner :Mr.R.Anand

For Respondents :Mr.M.Chandrasekaran
Additional Public Prosecutor



C O M M O N O R D E R

These Criminal Original Petitions have been filed seeking for a direction to the second respondent police not to harass the petitioners under the guise of enquiry.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Sankarapandian against the petitioners, petition enquiry is pending in CSR No.207 of 2018 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 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 directions, the Criminal Original Petitions are closed.

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Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

Is

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Kayathar Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .Nos.13707 to 13709 of 2018

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10/09/2018



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