



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.13979 of 2018

Balakrishnan

.. Petitioner

-vs-

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

2.The Deputy Superintendent of Police,  
Virudhunagar,  
Virudhunagar District.

3.The Sub-Inspector of Police,  
Virudhunagar Bazar Police Station,  
Virudhunagar District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent not to harass the petitioner and her family members in the name of investigation/enquiry and act in accordance with law.

For Petitioner : Mr.M.Jothibasu  
For Respondents : Mr.K.Chandrasekar  
Additional Public Prosecutor

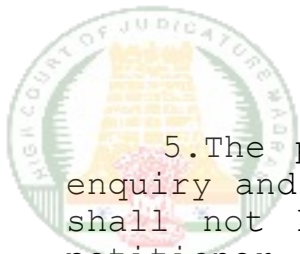
#### ORDER

This Criminal Original Petition has been filed seeking for a direction to the third respondent police not to harass the petitioner under the guise of enquiry.

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

3.The learned Counsel appearing for the petitioner submits that the third respondent harassed the petitioner under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.40 of 2018 on the file of the third respondent police



5.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner 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, third respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

6.With the above directions, the Criminal Original Petition is closed.

Sd  
ASSISTANT REGISTRAR ( CRL SIDE )

TRUE COPY

SUB ASSISTANT REGISTRAR ( CS III )

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To

- 1.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.
- 2.The Deputy Superintendent of Police,  
Virudhunagar,  
Virudhunagar District.
- 3.The Sub-Inspector of Police,  
Virudhunagar Bazar Police Station,  
Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

1CC TO M/S. G.M. LAW OFFICE SR.NO.77680

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