



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No.15483 of 2018

1. Ramasamy
 2. A.Ganesan
 3. P.Ramachandran
- ... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Thallakulam Police Station (Crime)
Madurai District

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioners under the guise of enquiry.

For Petitioners: Mr.G.Mathavan

For Respondent : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

ORDER

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

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint given against the petitioners, petition enquiry is pending in C.No.980 of 2018 on the file of the 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, 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(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Inspector of Police
Thallakulam Police Station (Crime)
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.G.MATHAVAN, ADVOCATE IN SR NO.82228

AAV

BU/DS/RP/SAR-I : 26.09.2018 : 2P/4C

Cr1.O.P.(MD)No.15483 of 2018
03.09.2018