



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Cr1.O.P. [MD] .No.15134 of 2018

Latha

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

3.The Inspector of Police,
Thandikudi Police Station,
Dindigul District.

4.Santhakumar

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the second respondent to directing the 3rd respondent herein not to harass the petitioner and her staff members under the guise of enquiry.

For Petitioner : Mr.S.Muthalraj

For R-1 to R-3 : Mr.K.Suyambulinga Bharathi
Government Advocate[Criminal side]

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent to directing the 3rd respondent herein not to harass the petitioner and her staff members under the guise of enquiry.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate [Criminal Side] for the respondents 1 to 3.

3.The learned Government Advocate [Criminal side] appearing for the respondent police submits that on the complaint given by the fourth respondent against the petitioner, petition enquiry is



pending on the file of the respondent police.

4.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.

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

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
- 3.The Inspector of Police,
Thandikudi Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.NA.PALANIYANDI, Advocate SR. NO. 80164

Cr1.O.P.[MD].No.15134 of 2018

SJI

TR/RP/SAR-4(17.09.2018)2P 5C