



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14415 of 2018

WEB COPY

1. S.Ascar

2. Srikrishnan

3. Soosairaj

4. Pandiyan

5. Anishlal

6. Sivabarath Singh

7. Laila

8. Kannan

9. Johns Rajan

... Petitioners

Vs.

1. The State Rep. by
The Sub Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

2. Marry Danieal

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to discontinue the harassment as being made on the petitioners without any reason and also without registration of any case as against them forthwith.

For Petitioners : Mr.S.Palani Velayutham

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to discontinue the harassment as being made on the petitioners without any reason and also without registration of any case as against them forthwith

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard learned counsel appearing for the petitioner and

learned Additional Public Prosecutor for the first respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Marry Danieal against the petitioner, petition enquiry is pending in proceedings No.P2/SP/3025/2018 on the file of the first 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, first 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Sub Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Palani Velayutham, Advocate SR.No.78581

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MK/SKN/SAR 2/11.09.2018/2P/4C

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