



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P.(MD).No.22281 of 2018

1.Vellai
2.Karuppayee

...Petitioners

Vs.

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

2. The Inspector of Police,
Vilampatti Police Station,
Dindigul District.

3.Subbulakshmi

4.Selvarani

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to issue a direction to the second respondent not to harass the petitioners under the guise of enquiry without following the due procedure of law.

For Petitioner : Mr.K.Neethimohan

For Respondents-1 & 2 : Mr.R.Anandharaj,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the second respondent not to harass the petitioners under the guise of enquiry without following the due procedure of law.

2.When the matter is taken for hearing today, the learned Additional Public Prosecutor would submit that on a complaint given by the third respondent in respect of missing of the fourth respondent, enquiry is being conducted in C.S.R.No.177 of 2018, since the respondents suspected that the son of the petitioner has taken away the fourth respondent and other than that they have not been harassed.



3. 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 Petition is closed.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

+1cc to Mr.K.Neethimohan,Advocate,SR.No.100747

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SS/RSK/SAR 3/20.12.2018/2P/5C

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