



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14843 of 2018

1. Vijay
2. Paulchamy
3. Nirmala Devi
4. Vivek

... Petitioners

Vs.

1. The Inspector of police,
All Women Police Station,
Virudhunagar.

2. Karthika

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent not to harass the petitioners in the guise of enquiry.

For Petitioners : Mr.P. Samuel Gunasingh
For Respondent-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

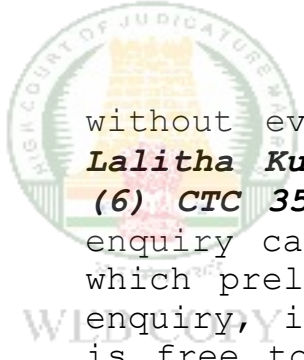
ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioners.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate for the respondent-1.

3. The learned Government Advocate appearing for the respondent police submits that it is a matrimonial dispute between the petitioners and 2nd respondent and on the complaint against the petitioners, petition enquiry is pending in Current Petition No.G3/38298/2151/SP/UNR/18 on the file of the 1st 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, first respondent is free to register an FIR and this order shall not be a shield for the petitioners against the first 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-II)

To

1. The Inspector of police,
All Women Police Station,
Virudhunagar.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.SAMUEL GUNASINGH, ADVOCATE IN SR No. 79966

KSA

TE/NM/RSK/SAR-2 : 04/10/2018 : 2P/4C

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