



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.08.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.14938 of 2018

Nithya

...Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its
The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction, directing the respondents to "not to harass" the petitioner on the guise of the enquiry, on the alleged complaint given by K.Prabhavathy, D/o.K.Kalamegam.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For Respondents	: Mr.M.Chandra Sekaran Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents police not to harass the petitioner under the guise of enquiry.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police would submit that on the complaint given by K.Prabhavathy, against the petitioner, petition enquiry is pending in S.No.3350 of 2018, on the file of the second 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, second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceedings to take action in accordance with law.

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

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Sivagangai District, Sivagangai.
2. The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TSG
ES/SV/SAR 3/07.09.2018/2P/4C