



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD) .No.14993 of 2018

1.Krishnan
2.K.Mariammal

...Petitioners

Vs.

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

2.The Inspector of Police,
Periyakulam Taluk Police Station, Theni District.

3.P.Rajesh ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioners.

For Petitioners	:Mr.M.Saravanan
For R1 & R2	:Mr.M.Chandra Sekaran
	Additional Public Prosecutor

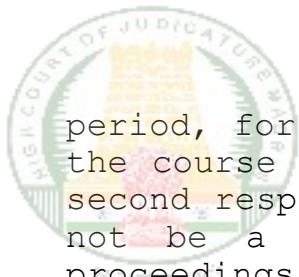
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent not to harass the petitioners under the guise of enquiry.

2. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. The learned Additional Public Prosecutor appearing for the respondents police 1 and 2 would submit that on the complaint given by P.Rajesh / the third respondent herein, against the petitioners, petition enquiry is pending in C.S.R.No.321 of 2018, on the file of the second 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 the 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 the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the second respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceedings to take action in accordance with law.

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

SD
ASSISTANT REGISTRAR (WRITS)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

tsg
To

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Inspector of Police,
Periyakulam Taluk Police Station, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. M. SARAVANAN, ADVOCATE SR 80029

DS SKN SAR 3
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Cr1.O.P.(MD).No.14993 of 2018