



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.(MD).No. 20388 of 2018

1. Dhanam
2. Chandramohan
3. Satyasheela

... Petitioners

Vs.

1. The Superintendent of Police,
Theni District, Theni.
2. The Sub-Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
3. Petchiammal

... 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.

For Petitioners : Mr.A.Mithun Chakkravarthi
For Respondents-1 & 2 : Mr.R.Anandharaj
Additional Public Prosecutor

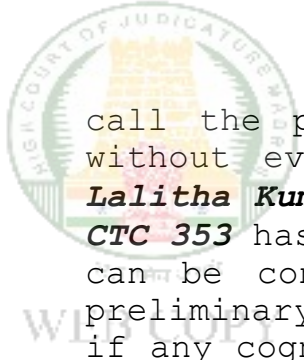
O R D E R

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 learned Counsel for the petitioner would submit that the petitioners have also preferred a complaint against the daughter of the defacto complainant.

3. The learned Additional Public Prosecutor would submit that the current paper is pending in No.2842/GDP/56430/SPTW1/18 against the petitioners, petition enquiry is pending on the file of the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>
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, 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-IV)

To

1. The Superintendent of Police,
Theni District,
Theni.
2. The Sub-Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.MITHUN CHAKKRAVARTHI, ADVOCATE IN SR No. 21758

KSA
TE/BK/SAR-4 : 24/12/2018 : 2P/5C

Cr1.O.P. (MD) .No.20388 of 2018
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