



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD)No.20479 of 2018

1.P.Mani

2.M.Meena

3.M.Sevvanthi preethi

... Petitioners

Vs.

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

2.The Inspector of Police,
Melur Police Station,
Madurai District.

3.Kalavani

... Respondents

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

For Petitioners : Mr.M.Suresh
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor

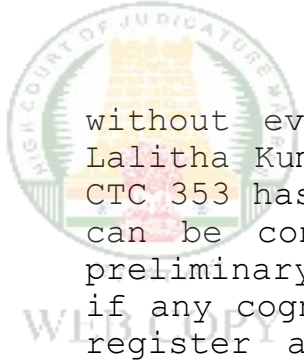
ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioners under the guise of enquiry.

2.Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the respondents Police.

3.The learned Additional Public Prosecutor appearing for the respondents Police submitted that on the complaint given by the third respondent, petition enquiry is pending in GDP/050579/MDU before the respondent Police concerned.

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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(cs-II)

To

1. The Superintendent of Police,
Madurai,
Madurai District.
2. The Inspector of Police,
Melur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

+1cc to Mr. Jeyakumaran Advocate in SR.No.95680

Crl.O.P. (MD) No.20479 of 2018
16.11.2018

GNS
SPSKN SAR2 24.12.2018 2P 5C