



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

WEB COPY

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

CRL.O.P.(MD)No.15275 of 2018

- 1.P.Meenakshi
- 2.P.Vaiyapuri
- 3.P.Thirupathi
- 4.P.Rajachokkalingam

.. Petitioners

-Vs-

1. The Superintendent of Police,  
O/o. Superintendent of Police,  
Virudhunagar and District.
2. State Rep. by,  
The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Soolakarai Police Station,  
Virudhunagar and District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents Nos.1 & 2 to Not to harass the petitioners and their family members unnecessarily against law under the guise of enquiry.

For Petitioners : Mr.R.Venkatesan  
For Respondent : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl. Side)

### ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents 1 and 2 not to harass the petitioners and their family members under the guise of enquiry.

2.Heard learned Counsel for the petitioners and learned Government Advocate (Crl. Side) for the respondent.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that on the complaint against the petitioners, petition enquiry is pending in G3/33349/1900/SP/VNR/18 on the file of the 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, 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(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police,  
O/o. Superintendent of Police,  
Virudhunagar and District.
2. The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Soolakarai Police Station,  
Virudhunagar and District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

TM

VB/RP/SAR2/28.09.2018/2P/4C

**CRL.O.P. (MD)No.15275 of 2018**  
**05.09.2018**