



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.15800 of 2018

Saraswathi @ Sindhu

... Petitioner

Vs

1.The Commissioner of Police,
Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai.

3.Saravanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent herein not to interfere with a civil dispute and consequently, not to harass the petitioner and her husband on the guise of enquiry except under due process of law.

For Petitioner : Mr.N.Mariappan

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

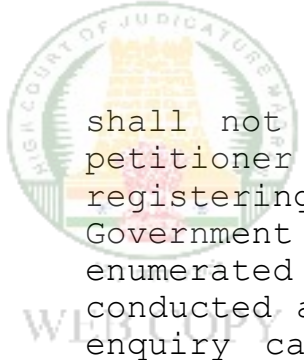
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent herein not to interfere with a civil dispute and consequently, not to harass the petitioner under the guise of enquiry.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint dated 25.08.2018, given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.983 of 2018 on the file of the 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 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-II)

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To

1. The Commissioner of Police,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. N. Mariyappan, Advocate in SR No. 82880

CRL.O.P. (MD) No. 15800 of 2018

NM/RSK/SAR 2/01.10.18/2P/5C