



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.15915 of 2018

Hameedha Rahmath Banu

...Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
West Police Station,
Virudhunagar.

3.Majutha Begum

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent Police not to harass the petitioner and her family members in the pretend of enquiry pertaining to the civil dispute in O.S.No.89 of 2018 pending on the file of the District Munsif Court, Virudhunagar.

For Petitioner

:Mr.R.Rajamohan

For R1 & R2

:Mr.M.Chandra Sekaran

Additional Public Prosecutor

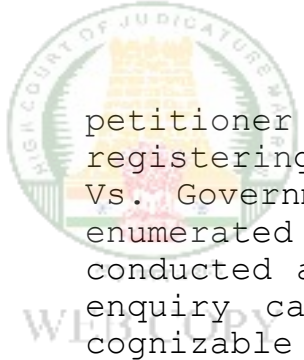
O R D E R

This Criminal Original Petition has been filed to direct the second respondent Police herein not to harass the petitioner and her family members in the pretend of enquiry pertaining to the civil dispute in O.S.No.89 of 2018, pending on the file of the District Munsif Court, Virudhunagar.

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

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in C.No.450/SDO/VNR/2018, on the file of the second 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 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 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 petitioner against the respondents proceedings to take action in accordance with law.

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

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub Assistant Registrar (CS-II)

tsg
To

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

+1cc to Mr. R. Rajamohan, Advocate in SR No. 82665

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NM/RSK/SAR 2/03.10.18/2P/5C