



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16331 of 2018

- 1.Daniel Raja Sekaran
- 2.Annammal
- 3.Gracy Shantha Jeyamani
- 4.John Seshan Selvaraj

.. Petitioners

-vs-

- 1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City.

- 2.The Assistant Commissioner of Police,  
Thallakulam Range, Madurai City.

- 3.The Inspector of Police (L & O)  
Koodal Pudhur Police Station,  
Madurai City.

- 4.B.Henry Julius

- 5.K.Sophia

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the 3<sup>rd</sup> respondent not to interfere the Civil dispute in O.S.No.345 of 2017 on the file of the Principal District Munsif Court, Madurai Town on the instigation of the 4<sup>th</sup> and 5<sup>th</sup> respondents.

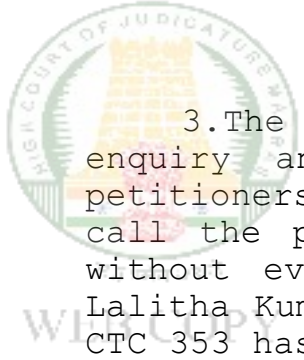
For Petitioners : Mr.R.Udhayakumar

For Respondents 1 - 3: Mr.M.Chandra Sekaran  
Additional Public Prosecutor

#### ORDER

This Criminal Original Petition has been filed seeking for a direction to the 3<sup>rd</sup> respondent not to interfere the Civil dispute in O.S.No.345 of 2017 on the file of the Principal District Munsif Court, Madurai Town on the instigation of the 4<sup>th</sup> and 5<sup>th</sup> respondents.

2.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioners, petition enquiry is pending in C.No.99/Petn/AC/TKM/L and C/ML/18 on the file of the respondent police.



3.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 respondents police proceeding to take action in accordance with law.

4.With the above directions, the Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City.
- 2.The Assistant Commissioner of Police,  
Thallakulam Range, Madurai City.
- 3.The Inspector of Police (L & O)  
Koodal Pudhur Police Station,  
Madurai City.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.R.Udhayakumar, ADVOCATE IN SR No. 83762.

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