



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.16561 of 2018

1.Muniasamy Saravanan

2.Antony Ammal

...Petitioners

Vs.

1.The State of Tamil Nadu

rep. by its

The Superintendent of Police,

Palayamkottai,

Tirunelveli District.

2.The Inspector of Police,

All Women Police Station (Rural),

Palayamkottai,

Tirunelveli District.

...Respondents 1&2/Complainants

3.J.Vijayakumari

... 3rd Respondent/Defacto Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents to not to harass the petitioners on the guise of enquiry on the alleged complaint given by the third respondent/defacto complainant.

For Petitioners

:Mr.M.Nallamuthu

For R1 & R2

:Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

O R D E R

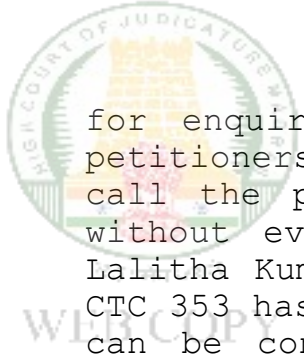
This petition has been filed to direct the respondent police not to harass the petitioners.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl.side) for the respondents Police.

3. The learned Government Advocate (Crl.side) appearing for the respondents Police submits that on the complaint given by the third respondent against the petitioners, petition enquiry is pending in C.S.R. No.G7/49969/3249/18 on the file of the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

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 disposed of.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

rmk

To

1.The Superintendent of Police,
Palayamkottai,
Tirunelveli District.

2.The Inspector of Police,
All Women Police Station (Rural),
Palayamkottai,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.Nallamuthu, Advocate in SR No.84518

Cr1.O.P. (MD) .No.16561 of 2018

NM/RP/SAR I/26.10.18/2P/5C.