



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.16619 of 2018

1.R.Balasubramani

2.N.Santhi

... Petitioners

Vs.

1.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

2.J.Bakialakshmi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. directing the respondent police not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.J.Jeyakumaran

For R1 : Mr.K.Suyambulingam Bharathi, G.A.(Crl.side)

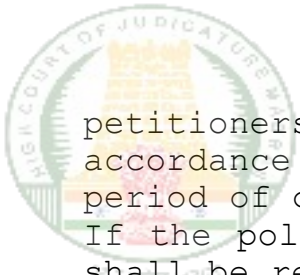
ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioners under the guise of enquiry.

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

3. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that on the complaint given by the second respondent against the petitioners, petition enquiry is pending in C.S.R. No.193/AC/TTL/Crime/DC/ML/18 respondent concerned.

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, first 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 and such an exercise shall be completed within a period of one week from the date of receipt of a copy of this order. If the police finds that the issue is civil in nature, the parties shall be relegated before the appropriate Civil Court.

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5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

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

+1cc to Mr.J.Jeyakumaran, Advocate in SR No.84871

Cr1.O.P. (MD) No.16619 of 2018

NM/SKN/SAR II/17.10.18/2P/4C