



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.16751 of 2018

Wins

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.Perma
Sub Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.

3.Shiny

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner and his parents against law.

For Petitioner	: Mr.C.T.Perumal
For R1 & R2	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl.side)
For R3	: Mr.Muthusaravanan

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his parents against law.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents 1 and 2.

3.The learned Government Advocate(Crl.side) appearing for the respondents police, on instructions, would submit that on the complaint given by Shiny/third respondent herein against the petitioner, petition enquiry is pending in C.S.R. No.P2/SP/3584/2017 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 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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

rmk

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Sub Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.T.Perumal, Advocate in SR No.85313
+1cc to Mr.C.Muthu Saravanan, Advocate in SR No.85284

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NM/PM/SAR 3/05.10.18/2P/6C