



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.09.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.17134 of 2018

Jemina

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.

3.The Inspector of Police,
Thuckalay, Kanyakumari District.

4.The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.

5.Nelson Paulraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents 3 and 4 not to harass the petitioner.

For Petitioner : Mr.K.P.NarayanaKumar

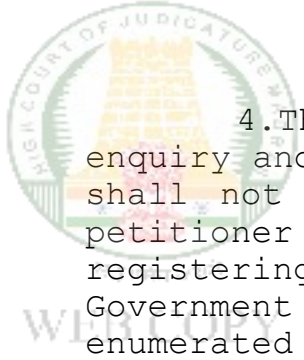
For R1 to R4 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the third and fourth respondents police not to harass the petitioner under the guise of enquiry.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the fifth respondent against the petitioner, petition enquiry is pending in C.S.R.No.1071 of 2018 on the file of the third 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, 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Superintendent of Police,
Kanyakumari District, at Nagercoil.
- 2.The Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.
- 3.The Inspector of Police,
Thuckalay, Kanyakumari District.
- 4.The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.P.NarayanaKumar, Advocate, SR.No.87196

CrI.O.P. (MD) .No.17134 of 2018
26.09.2018

DAS

ES/RP/SAR 1/31.10.2018/2P/7C