



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD) .No.17147 of 2018

1.D.Mayilammal

2.Annathurai

3.Shanthi

...Petitioners

Vs.

1.State represented by

The Superintendent of Police,
Madurai District.

2.The Inspector of Police, (Rural)

Anti Land Grabbing Special Circle,
Madurai District.

3.Periyasasmy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioners under the guise of enquiry.

For Petitioners :Mr.S.Ramachandra Pradeep

For R1 and R2 :Mr.M.Chandra Sekaran

Additional Public Prosecutor

For R3 :S.Sathya Chidambaram

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioners under the guise of enquiry.

2.Heard learned Counsel for the petitioners 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 third respondent against the petitioners, petition enquiry is pending on the file of the respondent police.



4.The petitioners are 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 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, 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(T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

das

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police, (Rural)
Anti Land Grabbing Special Circle,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Ramachandra Pradeep, Advocate in SR No.87633

Cr1.O.P. (MD) .No.17147 of 2018

NM/PM/SAR I/24.10.18/2P/5C.