



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.17224 of 2018

C.M.Nivethana

...Petitioner

**Vs.**

State through

1. The Commissioner of Police  
Madurai City, Madurai.

2. The Inspector of Police  
All Women Police Station  
Thirupparankundram, Madurai.

3. Prema Latha

...Respondents

**Prayer:** This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner.

For Petitioner : Mr.S.Pakalavan

For Respondents: Mr.M.Chandrasekaran  
No.1 & 2 Additional Public Prosecutor

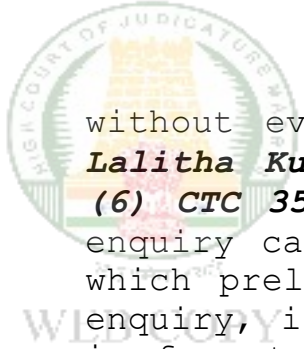
**ORDER**

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent/defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.404 of 2018 R4/913/58363/18 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-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1. The Commissioner of Police  
Madurai City, Madurai.

2. The Inspector of Police  
All Women Police Station  
Thirupparankundram, Madurai.

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

+ 1 CC TO MR.S.PAKALAVAN, ADVOCATE IN SR NO.86693

CP

BU/RSK/SAR-III :26.10.2018 : 2P/5C

Cr1.O.P.(MD)No.17224 of 2018  
25.09.2018