



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD]No.17256 of 2018

1.A.Gandhidasan

2.Alagesan

: Petitioners

Vs.

1.State rep. through

The Inspector of Police,
All Women Police Station,
Madurai South.
(Crime No.223 of 2018)

2.G.Rajasri

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent police not to harass the petitioners by calling them over phone to appear before the respondent police in the guise of investigation and enquiry frequently without any ground in the complaint pending in CSR.No.223 of 2018 on the file of the respondent police and also the necessary direction may be issued for the closure of the complaint since the same is baseless as the first petitioner has rightfully claimed the restitutions of conjugal rights in H.M.O.P.No.442 of 2018 pending before the Family Court, Madurai.

For Petitioners : Mr.A.Selvam

For R-1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

O R D E R

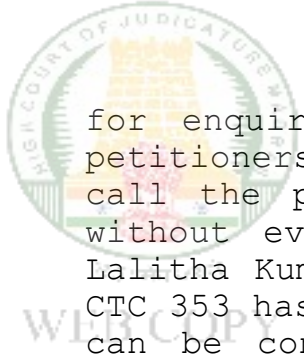
This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioners under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor for the respondent Police.

3. The learned Additional Public Prosecutor 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.223 of 2018.

<https://hcservices.ecourts.gov.in/hcservices/>

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, the 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.

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

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)

rmk

To

1.The Inspector of Police,
All Women Police Station,
Madurai South.

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

+1cc to Mr.A.Selvam, Advocate in SR No.18570

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NM/RSK/SAR 4/05.10.18/2P/4C