



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.17453 of 2018

- 1.Mohamed Rabeek
- 2.Mohamed Sirajudeen
- 3.Ajeena Begam
- 4.Mohammed Iqbal

.. Petitioners

-Vs-

State rep. by

- 1.The Commissioner of Police,
Trichy City, Trichy.

- 2.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy City.

- 3.Rasika Sultana

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.M.Ramu

For Respondents : Mr.M.Chandra Sekaran for R1 & R2
Additional Public Prosecutor

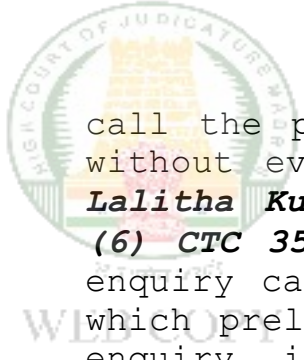
ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent police not to harass the petitioners under the guise of enquiry.

2.Heard learned Counsel for the petitioner and 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 against the petitioners, petition enquiry is pending in C.S.R.No.41 of 2018 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, 2nd 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Commissioner of Police,
Trichy City, Trichy.

2. The Inspector of Police,
All Women Police Station,
Cantonment, Trichy City.

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

+ 1 CC TO MR.M.RAMU, ADVOCATE IN SR NO.88074

TM

BU/RSK/SAR-III : 27.10.2018 : 2P/5C

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