



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.17650 of 2018

1.Wilson

2.Vincy

...Petitioners

Vs.

The Inspector of Police,
Sellur Police Station,
Madurai District.

....Respondent

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to direct the Respondent herein not to disturb and harass the petitioners in the name of enquiry.

For Petitioners : Mr.K.Shanmugaraja

For Respondent : Mr.M.Chandrasekaran,

Additional Public Prosecutor.

ORDER

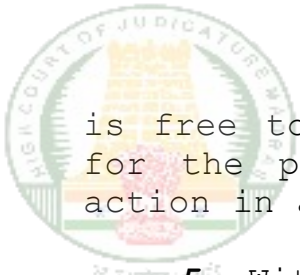
This Criminal Original Petition has been filed seeking for a direction to respondent not to harass the petitioner.

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

3. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petition enquiry is pending against the petitioners 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 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 the 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 the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondent



is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceedings to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
Sellur Police Station,
Madurai District.

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

DSK

BU/RSK/SAR-I : 25.10.2018 : 2P/3C

Crl.O.P. (MD) No.17650 of 2018
08.10.2018