



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17907 of 2018

1.Sathish Kumar

2.Ramasamy

3.Panchawarnam

4.Yuvarani

5.Murugeshwari

...Petitioners

Vs.

1.The State Represented by
Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

2.Logeshwari

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent not to harass the petitioners as well as their family members without any legally sustainable complaint and to abide by the guidelines in D.K.Basu case in 1997 1 SCC 416.

For Petitioners: Mr.D.Balamurugapandi

For Respondents: Mr.M.Chandra Sekaran

Additional Public Prosecutor

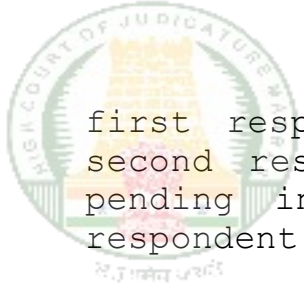
ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioners as well as their family members without any legally sustainable complaint.

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

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

3.The learned Additional Public Prosecutor appearing for the



first respondent submitted that on the complaint given by the second respondent against the petitioners, petition enquiry is pending in C.S.R. No.237 of 2018 on the file of the first 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 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, 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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

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

+ 1 CC TO MR.D.BALAMURUGAPANDI, ADVOCATE IN SR NO.89255

GNS

BU/SKN/SAR-I : 25.10.2018 : 2P/4C

Cr1.O.P. (MD) No.17907 of 2018
08.10.2018