



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17977 of 2018

A.Poornima

... Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram

2. The Deputy Superintendent of Police
Muthukulathoor
Ramanathapuram District

3.The Inspector of Police
Thooval Police Station
Ramanathapuram District

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct first respondent herein to direct the respondent police not to harass the petitioner and not to interfere in the civil dispute against the law in the nature and circumstances of the case.

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and not to interfere in the civil dispute against the law.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate(Crl.Side) for the respondents.

3. The learned Government Advocate(Crl.Side) appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.No.30092/2134/18 on the file of the first respondent police.

1. 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, third 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(Co)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram
2. The Deputy Superintendent of Police
Muthukulathoor
Ramanathapuram District
3. The Inspector of Police
Thooval Police Station
Ramanathapuram District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DS PM SAR-4 15.10.2018 2P/5C

Cr1.O.P. (MD) No.17977 of 2018

09.10.2018