



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.18089 of 2018

D.Lovely Jasmine

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Gudalur North Police Station,
Theni District.

2.Ganeshwari

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner and her family members.

For Petitioner: Mr.R.Narayanan

For R1 : Mr.M.Chandra Sekaran,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and her family members.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing 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 petitioner, petition enquiry is pending in C.S.R.No.133 of 2018 on the file of the respondent police.

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting 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 F.I.R. 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 preliminary enquiry can be conducted. During the course of enquiry, if any



cognizable offence is made out, the respondent police is free to register an F.I.R. 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

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Inspector of Police,
Gudalur North Police Station,
Theni District.

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

+1CC TO MR.R.NARAYANAN, ADVOCATE IN SR.NO.89715.

MYR

DS SKN SAR-2 16.10.2018 2P/4C

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