



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.18246 of 2018

1.M.Kannan
2.C.Madasamy
3.M.Kangammal
4.N.Marimuthu
5.M.Maheswari

.. Petitioners

-Vs-

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

3.Mariappan

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioners upon the instigation by 3rd respondent.

For Petitioners: Mr.V.Santhakumaresan

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

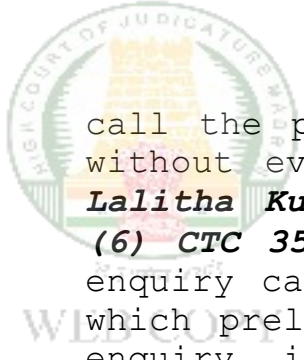
ORDER

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

2.Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondents 1 & 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending in CSR No.293 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 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, 2nd 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Superintendent of Police, Tirunelveli District, Tirunelveli.
2. The Inspector of Police, All Women Police Station, Ambasamudram, Tirunelveli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.V.SANTHAKUMARESAN, ADVOCATE IN SR NO.89955

TM

BU/SKN/SAR-1 : 25.10.2018 : 2P/5C

CRL.O.P. (MD) No.18246 of 2018
11.10.2018