



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.18355 of 2018

Hari Saravanan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

2.Anantha Laksmi

...Respondents

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

For Petitioner : Mr.D.Balamurugapandi

For R1 : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

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

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioner, petition enquiry is pending in C.S.R.No.311 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 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, first 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.It is made clear that the children will not be exposed or brought before the police station. If the issues relate to custody of children, the respondent police shall advise the parties to resolve the dispute before the concerned Court seeking for guardianship and custody.

6.With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.Balamurugapandi, Advocate, SR.No.90499

mm

SS/SKN/SAR 3/29.11.2018/2P/4C