

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 09.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.591 of 2019

1.Balakrishnan

2.Sasikala

...Petitioners

Vs.

State rep by

1.The Deputy Superintendent of Police,
Palladam, Tiruppur District.

2.Inspector of Police,
Palladam Police Station,
Tiruppur District.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., directing the respondents or their men or agents not to harass the petitioners without due process of law.

For Petitioners : Mr.S.P.Meenakshi Sundaram

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioners.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioners, petition enquiry is pending in C.S.R.No.604 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, second 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.

vsg1/ia

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Palladam, Tiruppur District.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.S.P.Meenakshisundaram,
Advocate, S.R.No.2293

Cr1.O.P.No.591 of 2019

kk(CO)
kak(19/02/2019)