

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1280 of 2019

1.Mohammed Ghouse
2.Aminama

... Petitioners

..Vs..

1.M.G.Fathima Parveen
2.I.Sathiq Basha

3.Inspector of Police,
Parangipettai Police Station,
Cuddalore District.

4.Deputy Superintendent of Police,
Parangipettai, Cuddalore District.

5.Superintendent of Police,
Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd and 4th respondent police not to harass the petitioners by threatening to evict the petitioners from their house without due process of law, to direct the fifth respondent to take appropriate actions against the 3rd and 4th respondents.

For Petitioners : Mr.R.Sunil Kumar

For R3 to R5 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 3rd and 4th respondents police not to harass the petitioners to evict from their house.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the 3rd and 4th respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one I.Sathiq Basha against the petitioners, petition enquiry is pending in C.S.R.No.291 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, the third 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 directions, the Criminal Original Petition is closed.

mpa/rpl

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.Inspector of Police,
Parangipettai Police Station,
Cuddalore District.

2.Deputy Superintendent of Police,
Parangipettai, Cuddalore District.

3.Superintendent of Police,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Sunil Kumar, Advocate, SR.No.6994/19

CrI.O.P.No.1280 of 2019

kak(28/02/2019)