

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Cr1.O.P.No.1640 of 2019

1.Sabarish
2.P.D.Bhasi
3.Sarala Bhasi
4.ShanthiBhasi

... Petitioners

Vs.

State rep. by
The Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Thirumangalam, Chennai - 600 101. ... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction, directing the respondent police not to harass the petitioners in the false complaint lodged by Kalpana which is pending on the file of the respondent police.

For Petitioners : Mr.R.S.Kirubakaran
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent police not to harass the petitioners in the false complaint lodged by Kalpana which is pending on the file of the respondent police.

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

3. The learned Additional Public Prosecutor appearing for the respondent police would submitted that on the complaint given by the de-facto complainant against the petitioners, petition enquiry is pending in CSR/397/W8 AWPS/2018 on the file of the respondent police.

4. The petitioners are directed to co-operate 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, 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.

Sd/--
Assistant Registrar(CS)

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Sub Assistant Registrar

nmm/dss

To

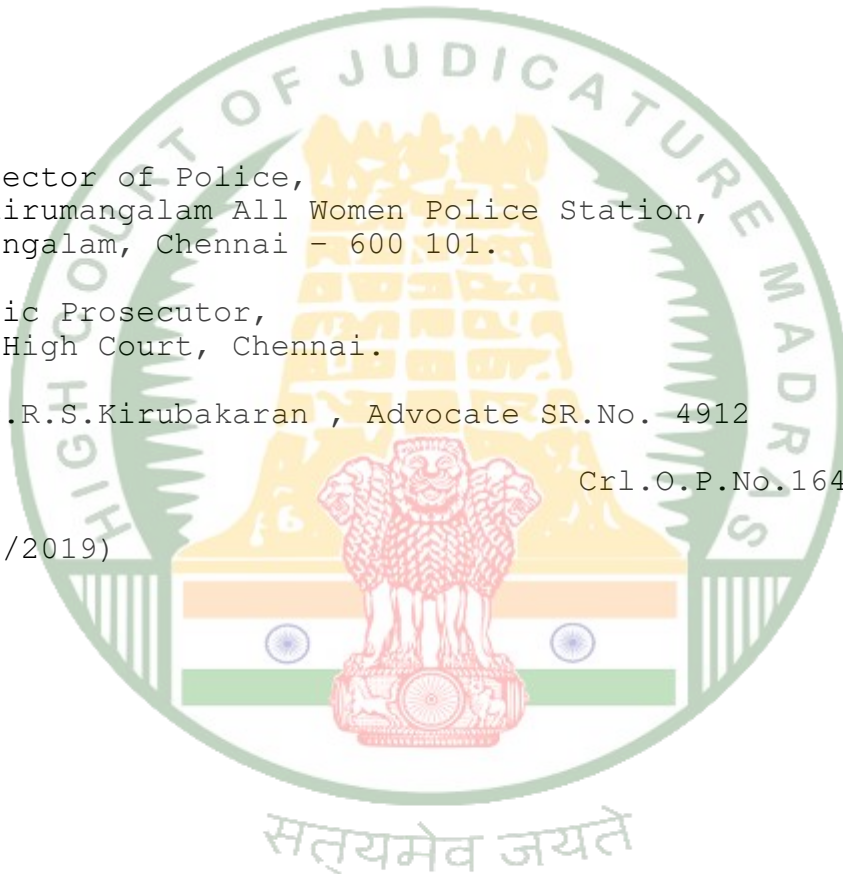
1.The Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Thirumangalam, Chennai - 600 101.

2.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.R.S.Kirubakaran , Advocate SR.No. 4912

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A.SK(12/02/2019)



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