

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.Nos.1852 & 1950 of 2019

1. John Williams
2. Kasthuri

... Petitioners in
Crl.O.P.No.1852 of 2019

J.Durairaj

... Petitioner in
Crl.O.P.No.1950 of 2019

-vs-

Inspector of Police,
Pappireddypatty Police Station,
Pappireddypatty,
Dharmapuri District.

... Respondent in both Crl.O.Ps

Common Prayer: These Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to direct the Respondent not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.P.Rajavel
in both Crl.O.Ps

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
in both Crl.O.Ps

COMMON ORDER

This Criminal Original Petition has been filed to direct the Respondent not to harass the petitioners under the guise of enquiry.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by

the defacto complainant against the petitioners, petition enquiry is pending on the file of the respondent police.

5.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, 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.

6.With the above directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Pappireddypatty Police Station,
Pappireddypatty,
Dharmapuri District.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.R.Neelakandan, Advocate SR.No.8554,8555

CRL.O.P.Nos.1852 & 1950 of 2019

GMV (28/02/2019)