

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.14976 of 2019

1.S.Sumathi
2.A.Natarajan

...Petitioners

Vs.

The State,
Rep by Inspector of Police,
District Crime Branch,
Coimbatore-18.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent not to harass the petitioners and their family members under the guise of enquiry except due process of law.

For Petitioners : Mr.S.Saravanan
For Respondent : Mr.M.Mohamed Riyaz
Additional Government Pleader

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondent not to harass the petitioners and their family members 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 based on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.No.133 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.

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

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

jas/ub
To

1. The Inspector of Police,
District Crime Branch,
Coimbatore-18.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. S. Saravanan, Advocate sr 49626.

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VGII(CO)
SP(23/07/2019)

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