

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2019

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CRL.OP.No.12624 of 2019

1.M.Karupaiya
2.K.Selvarani
3.K.Revathi
4.K.Sangeetha

... Petitioners
Vs

1.The State rep. by
Assistant Commissioner of Police,
St. Thomas Mount Range,
Chennai.

2.The State rep. by
Inspector of Police,
Palavanthangal Police Station,
Chennai District.

3.Latha Chandrasekar

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st and 2nd respondent police not to harass the petitioners by interfering with the civil disputes and false claims made by the 3rd respondent.

For Petitioners : Mr.G.Arun

For R1 and R2 : Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed seeking for a direction not to harass the petitioners.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that on the complaint given by one Latha Chandrasekar against the petitioners, petition enquiry is pending in C.S.R.No.141 of 2019 on the file of the second 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 the Hon'ble 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 respondent police is free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceeding to take action in accordance with law.

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

s/d-
Assistant Registrar(VO)

True Copy

Sub-Assistant Registrar

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To

1.The Assistant Commissioner of Police,
St. Thomas Mount Range,
Chennai.

2.The Inspector of Police,
Palavanthangal Police Station,
Chennai District.

3.The Public Prosecutor,
High Court, Madras.

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SVI (CO)
SP(17/05/2019)