

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.05.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12733 of 2019

1. Sasikala
2. S.Wilson

... Petitioners

Vs.

State rep.by

The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.

.... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent to not to harass the petitioner in any manner in the above matter pending enquiry on the file of the respondent police, Mylapore, Chennai.

For Petitioners

:Mr.P.Deivendra

For respondent

:Ms.P.Kritika Kamal

Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking for a direction to the respondent to not to harass the petitioner in any manner in the above matter pending enquiry on the file of the respondent police, Mylapore, Chennai.

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

3.The learned learned Government Advocate (Crl.Side) appearing for the respondent police would submit that on the complaint given by one Hemalatha against the petitioners, petition enquiry is pending in C.S.R.No.429 of 2019 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 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 petitioner against the respondents proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(vo)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr. Deivendra, Advocate Sr.No.43899

Cr1.O.P.No.12733 of 2019

spd(co)
mp(21/05/2019)

सत्यमेव जयते

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