

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.13962 of 2019

1.G.Sowndarapandiyan
2.Vijaja
3.J.Kamal
4.C.Pasuvaram
5.J.Vimal
6.Ms.Jansirani
7.C.Dharuman
8.Thirupathi @ Abraham
9.V.Rajadurai
10.V.Rangadurai
11.V.Muthuvel

.. Petitioners

-vs-

The State rep. By
The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent namely the Inspector of Police, Karimangalam Police Station, Dharmapuri District not to harass the petitioners and their family members based on this above false complaint filed by the Karnesan.

For Petitioners : Mr.L.Munisamy

For Respondents : Mr.C.Raghavan
Government Advocate (Cr. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners in the guise of registering false case.

2.Heard the learned Counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondents.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, a petition enquiry is pending in CSR.No.100 of 2019, 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 following the guidelines by 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 is free to register an FIR and this order shall not be a shield for the petitioners against the third respondent Police proceeding to take action in accordance with law.

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

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Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk, सत्यमेव जयते
Dharmapuri District.

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

+1cc to Mr.L.Munisamy, Advocate, SR.No.44996

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Kak (20/06/2019)