

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.20564 of 2019

1. G.Tamilarasan
2. Mrs.K.Monika

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police 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 Petitioner : Mr.Munisamy L

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in the guise of enquiry.

2. Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that the petition enquiry is pending in CSR No.19 of 2018 on the file of respondent police, based on the complaint given by one Mr.Karnesan.

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, the respondent police is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District
 2. The Public Prosecutor,
High Court, Madras
- +1 cc to Mr.L.Munisamy, Advocate, S.R.No.67846

Crl.O.P. No.20564 of 2019

BP(CO)
SSM(10/09/2019)

सत्यमेव जयते

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