

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29681 of 2018

1.S.Venkatesan  
2.Senrayyan  
3.Dhanalakshmi  
4.Sumathy

... Petitioners

Vs.

1.The Superintendent of Police,  
Dharmapuri.

2.The Deputy Superintendent of Police,  
Dharmapuri Range,  
Dharmapuri District.

3.The Inspector of Police,  
B-1 Police Station,  
Camp Office,  
O/o.The Deputy Superintendent of Police,  
Dharmapuri Range,  
Dharmapuri District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioners by foisting false case.

For Petitioners : M/s.R.Poornima

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioners.

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the

defacto complainant against the petitioners, petition enquiry is pending in C.No.298/2018 on the file of the respondents 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, third 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.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl/mpa  
To

- 1.The Superintendent of Police,  
Dharmapuri.
- 2.The Deputy Superintendent of Police,  
Dharmapuri Range, Dharmapuri District.
- 3.The Inspector of Police,  
B-1 Police Station, Camp Office,  
O/o.The Deputy Superintendent of Police,  
Dharmapuri Range, Dharmapuri District.

Copy To:The Public Prosecutor,  
High Court of Madras, Madras.

+1 cc to M/s.R.Poornima, Advocate SR.No.253

Cr1.O.P.No.29681 of 2018

VGI(CO)  
CSL/22.01.2019