

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30376 of 2018

1.P.Gunasekaran

2.G.Jansi@ Kuttiammal

3.B.Ramadoss ...Petitioners

Vs.

The State by
The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioners.

For Petitioners : Mr.M.Rajendran
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.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R.No.335 of 2018 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 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, first 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, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

rpl/mpa

To

1. The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.

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

+1 CC to Mr. M. Rajendran, advocate sr 944.

Cr1.O.P.No.30376 of 2018

SR(CO)
SP(24/01/2019)

सत्यमेव जयते

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