



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 08.04.2019

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5239 of 2019

1.M.Kathammal
2.M.Balamurugan
3.Sangeetha
4.Maheswari
5.Parameswari

... Petitioners

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City,
(Crime No.108 of 2015)

3.Thenmozhi

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioners and their family members based on the enquiry.

For Petitioners : Mr.S.Muniyandi

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioners and their family members under the guise of enquiry.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl. Side) for the respondents 1 and 2.

3. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

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, second 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City,

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-59877[F] dated 09/04/2019)

vsg

Cr1.O.P.No.5239 of 2019
08.04.2019

KM/(25.04.2019) 2P 5C