



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.5309 of 2019

S.Alexander Petter Raj

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District S.P. Office,
Karur-1.

2.The Deputy Superintendent of Police,
Karur Town,
Karur-1.

3.The Inspector of Police,
All Women Police Station,
Karur Town,
Karur-1.

4.Sarmila ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents herein and their subordinates not to harass the petitioner herein and his family members at any event in so far as the complaint given by the petitioner's wife Mrs. Sarmila/the 4th respondent herein, except without taking action in due process of law.

For Petitioner : Mr.R.R.Thamothar Raj

For Respondents 1 to 3: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioner and his 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 to 3.

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

4. The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner 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 respondents 1 to 3 are free to register an FIR and this order shall not be a shield for the petitioner against the respondents 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 Superintendent of Police,
Karur District S.P. Office,
Karur-1.
- 2.The Deputy Superintendent of Police,
Karur Town,
Karur-1.
- 3.The Inspector of Police,
All Women Police Station,
Karur Town,
Karur-1.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.R.Thamothar Raj, Advocate, SR.No. 59517

Cr1.O.P.No.5309 of 2019
08.04.2019

vsg

KK/SAR/24.04.2019/ 2P- 6C

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