

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 10.04.2019****CORAM**

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI**Cr1.O.P. (MD) No.5387 of 2019**

Nagalakshmi

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy District, Trichy.2.The Inspector of Police,
All Women Police Station,
Kottai, Trichy District.
(Crime No: Not Known)

...Respondents

3.Balakumar

...3rd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., directing the respondents not to harass the petitioner in the guise of enquiry.

For Petitioner

: Mr.R.Ravindran

For R-1 and R-2

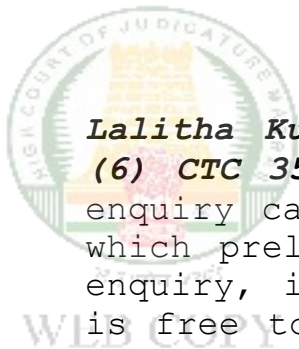
: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1. Side)**ORDER**

This Criminal Original Petition has been filed seeking a direction to the respondents not to harass the petitioner in the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first and second respondents.

3. The learned Government Advocate (Criminal side) appearing for the respondent police submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending on the file of the second respondent police.

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 petitioner 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 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-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Commissioner of Police,
Trichy District, Trichy.

2.The Inspector of Police,
All Women Police Station,
Kottai, Trichy District.

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

+1 CC to M/s.R.RAVINDRAN, Advocate (SR-60156[F] dated
10/04/2019)

SJI

Cr1.O.P. (MD) No.5387 of 2019
10.04.2019

KM/ (27.04.2019) 2P 5C