



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDANPANI

Cr1.O.P.(MD)No.5661 of 2019

1.K.Rajendran
2.R.Mariammal

... Petitioners

Vs.

1. The Superintendent of Police,
Virudhunagar.

2. The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondents No.1 and 2 herein to not to harass the petitioners on the guise of the enquiry and pass such other or further orders as this Honourable Court.

For Petitioners : Mr.C.Senthil Murugan

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

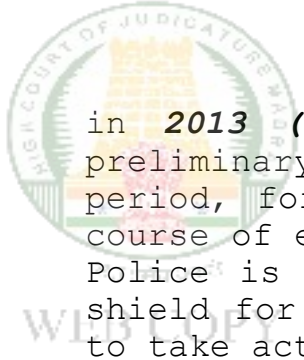
ORDER

This Criminal Original Petition has been filed to direct the respondents No.1 and 2, not to harass the petitioners on the guise of the enquiry.

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

3.The learned Additional Public Prosecutor would submit that the petitioners' son is involved in a number of cases and hence, the petitioners were enquired. However, there is no harassment to the petitioners.

4.In view of the above, 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, respondent Police is free to register an FIR and this order shall not be a shield for the petitioners against the respondent Police 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(CS)

To:

1. The Superintendent of Police,
Virudhunagar.
2. The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.C.SENTHIL MURUGAN, Advocate (SR-61326[F] dated
16/04/2019)

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dsk

AE (26.04.2019) 2P 5C