



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl OP(MD)No.5670 of 2019

Vishnu

... Petitioner

Vs.

1.The Superintendent of Police,  
Office of the Superintendent of Police,  
Tuticorin District.

2.State represented by  
The Inspector of Police,  
South Police Station,  
Tuticorin.

3.Manickaraj Rajendran

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to direct the 2<sup>nd</sup> respondent to not to harass the petitioner and her family members.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.V.Malaiyendran           |
| For Respondent | : Mr.K.K.Ramakrishnan,        |
| Nos.1 and2     | Additional Public Prosecutor, |

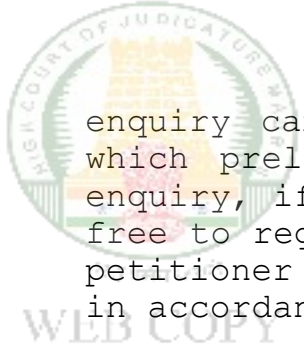
### ORDER

This criminal original petition has been filed seeking to direct the respondent Police not to harass the petitioner and her family members

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 on a complaint given against the petitioner, petition enquiry is pending against the petitioner, on the file of the second respondent police.

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

/TRUE COPY/

Sub Assistant Registrar (CS )

To

1. The Superintendent of Police,  
Office of the Superintendent of Police,  
Tuticorin District.
2. The Inspector of Police,  
South Police Station,  
Tuticorin.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s. V. MALAIYENDRAN, Advocate ( SR-61400[F]  
dated 16/04/2019 )

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SP/02/05/2019/2P/5C