



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDANPANI

Cr1.O.P.(MD)No.5702 of 2019

S.Madasamy

... Petitioner

Vs.

1. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

2.P.Pandiyammal

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C, to direct the 2nd respondent not to harass the petitioner in the guise of enquiry without following due process of law.

For Petitioner : Mrs.S.Bharathi

For Respondent : Mr.K.K.Ramakrishnan,
No.1 Additional Public Prosecutor

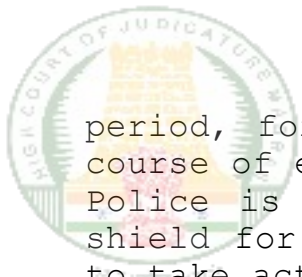
ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner in the guise of enquiry without following due process of law.

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 appearing for the state would submit that a case was registered against the petitioners and the Law Enforcing Agency is investigating the matter. 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.

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5. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.BHARATHI, Advocate (SR-61340[F] dated 16/04/2019)

Crl.O.P. (MD) No.5702 of 2019
16.04.2019

dsk

AE (26.04.2019) 2P 4C