

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.04.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****Cr1 OP(MD)No.5708 of 2019**

1.M.Suresh
2.P.Madasamy
3.M.Thangammal
4.S.Kavitha

... Petitioners

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.

2.The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.

3.The Inspector General of Police,
Office of the Inspector General of Police,
Madurai District.

4.The Inspector of Police,
All Women Police Station,
Junction, Tirunelveli District.

5.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.

6.Priyadharsini

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to direct the respondents 4 and 5 not to harass the petitioners at the guise of enquiry by consider their representation dated 09.04.2019 based on the complaint given by the 6th respondent.

For Petitioners	: Mr.R.Suresh Kumar
For Respondent	: Mr.K.K.Ramakrishnan,
Nos.1 to 5	Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to direct the respondents 4 and 5 not to harass the petitioners at the guise of enquiry by considering their representation dated 09.04.2019 based on the complaint given by the 6th respondent.

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



3.The learned Additional Public Prosecutor would submit that the current paper is pending against the petitioners, on the file of the respondent police.

4.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, second respondent 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 (AE)

// True Copy //

Sub Assistant Registrar (CS)

Dsk

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.
- 2.The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.
- 3.The Inspector General of Police,
Office of the Inspector General of Police,
Madurai District.
- 4.The Inspector of Police,
All Women Police Station,
Junction, Tirunelveli District.
- 5.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.



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

+1CC TO MR.R.SURESH KUMAR, Advocate Sr. No. 61200

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