



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.(MD)No.5880 of 2019

1.A.Jakkariah

2.R.D.Elizabeth

... Petitioners

/Vs./

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police (L & O),
Anna Nagar, Madurai City, Madurai.

3.The Inspector of Police (L & O),
Anna Nagar Police Station,
Madurai City.

4.Thirumathi Sharmila

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1, 2 and 3 not to harass the petitioners and their family members and also direct the respondents 1,2 and 3 herein to give adequate protection to the petitioners and their family members' life and limb.

For Petitioners

: Mr.M.Padmavathy

For R-1 to R-3

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the respondents 1, 2 and 3 not to harass the petitioners and their family members and also direct the respondents 1,2 and 3 herein to give adequate protection to the petitioners and their family members' life and limb.

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

3. The learned counsel appearing for the petitioners submitted that the petitioners have preferred a complaint against the fourth respondent and that is not being attended to.

4. The learned Additional Public Prosecutor submitted that the petitioners have preferred a complaint against the fourth respondent, which discloses some money dispute between the parties and the fourth respondent has preferred a counter-complaint against



the petitioners and both the complaints are pending enquiry. The respondent police have neither harassed the petitioners nor intended to harass them. The said statement of the learned Additional Public Prosecutor is recorded.

5. This Court now directs the respondent police that if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in the case of **Lalitha Kumari Vs. Government of Uttar Pradesh** - 2013 (6) CTC 353. If on the other hand the third respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioners are also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioners.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police (L & O),
Anna Nagar, Madurai City, Madurai.
3. The Inspector of Police (L & O),
Anna Nagar Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.PADMAVATHY, Advocate, SR.No. 62548

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