



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.[MD].No.994 of 2019

Latha

... Petitioner

vs.

1.The Superintendent of Police,  
Theni District,  
Theni.

2.The Inspector of Police,  
Chinnamannur Police Station,  
Theni District.

3.Priyadharshini

4.Geetha

5.Deepa

...Respondents

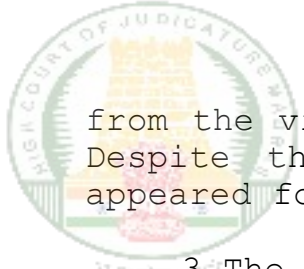
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the second respondent to direct the Chinnamannur Police Station authorities not to harass the petitioner and her staff members under the guise of enquiry based on the 3<sup>rd</sup> to 5<sup>th</sup> respondents' complaint.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.S.Muthalraj             |
| For R1 & R2    | : Mr.R.Anandharaj            |
|                | Additional Public Prosecutor |

#### ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and her staff members under the guise of enquiry.

2.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that the respondents 3 to 5 and other ladies have given a complaint against the petitioner and others stating that the petitioner promising to help them to receive loan from the Collector Office have taken a sum of Rs.5,350/- from 12 persons and that on the petitions given by the alleged victims, enquiry has been initiated. He would submit that apart from calling the petitioner for enquiry with regard to the complaints received



from the victims, the respondents have not harassed the petitioner. Despite the service of summons on the petitioner, she has not appeared for an enquiry.

3. 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, second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Theni District,  
Theni.

2. The Inspector of Police,  
Chinnamannur Police Station,  
Theni District.

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

+1. C.C. to M/S.NA.PALANIYANDI, Advocate SR.No. 43986

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31.01.2019

AM

JM/28.03.2019/2P/5C

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