



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.11221 of 2019

P.Nagammai

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.

3.Rama

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, forbearing the second respondent from harassing the petitioner based on the complaint of the third respondent without having due process of law.

For Petitioner : Mr.R.Surinanth
For Respondent : Mrs.S.Bharathi,
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed to direct the respondent to forbear the second respondent from harassing the petitioner based on the complaint of the third respondent without having due process of law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned Government Advocate (Crl.Side) submitted that the third respondent has preferred a complaint, based on which preliminary enquiry is conducted.

4. The learned counsel for the petitioner submitted that the petitioner has already appeared before the respondent police, yet she continues to face harassment.



5. Without getting into the blame game, 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 2013 (6) CTC 353- **[Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the Investigation Officer 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 a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6. Accordingly, this Writ Petition disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.

+1CC TO MR.R.SURINANTH, Advocate Sr. No.64187

Order made in
W.P. (MD) No.11221 of 2019
30.04.2019

RP (CO)

TR (04.06.2019) 2P 4C