



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.7316 of 2019

and

W.M.P. (MD) .No.5837 of 2019

WEB COPY

1.M.Rabeeek

2.R.Hanis Benazir

... Petitioner

Vs.

1.The Commissioner of Police,
The Commissioner Office,
Alagar Kovil Raod, Madurai-7.

2.The Deputy Commissioner of Police,
The Commissioner Office Campus,
Alagar Kovil Road, Madurai-7.

3.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Near Meenakshi Amman Temple, Madurai-1.

4.A.Ayyub Khan

... Respondents

(Respondent No.3 is impleaded as per the order
of this Court dated 04.04.2019 in W.M.P. (MD) .
No.6028 of 2019 in W.P. (MD) .No.7316 of 2019)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first and second respondents to initiate legal action as against the third respondent for his misuse of his official capacity and consequentially direct the third respondent not to harass the petitioners in the name of enquiry based on the complaint given by the fifth respondent.

(Prayer portion is amended as per the order
of this Court dated 04.04.2019 in W.M.P. (MD) .
No.6028 of 2019 in W.P. (MD) .No.7316 of 2019)

For Petitioner	: Mr.C.M.Arumugam
For R-1 & R-2	: Mrs.S.Bharathi
	Government Advocate

ORDER

This Writ Petition has been filed to direct the first and second respondents to initiate legal action as against the third respondent for his misuse of his official capacity and consequentially direct the third respondent not to harass the petitioners in the name of enquiry based on the complaint given by the fifth respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel appearing for the petitioner and



the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

3. The learned counsel appearing for the petitioners submitted that on the basis of the complaint given by the fifth respondent, the respondent Police are harrasing the petitioners herein.

4. The learned Government Advocate (Crl. side) submitted that the complaint is pending enquiry and the respondent Police have neither harassed the petitioners nor intended to harass them.

5. The statement of the learned Government Advocate (Crl. side) is recorded. If the complaint prima facie discloses the commission of any cognizance offence, necessarily the investigating Agency should follow the principles in the judgment reported in **Lalitha Kumari Vs. Government of Uttar Pradesh**-[2013 (6) CTC 353]. If however a preliminary enquiry is sought to be conducted, then the investigating agency hold such enquiry by summoning the parties under Section 41A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for them 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 petitioner.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To,

1. The Commissioner of Police,

The Commissioner Office,

Alagar Kovil Raod, Madurai-7.

2. The Deputy Commissioner of Police,

The Commissioner Office Campus,

Alagar Kovil Road, Madurai-7.

3. The Assistant Commissioner of Police,

O/o. The Assistant Commissioner of Police,

Near Meenakshi Amman Temple, Madurai-1.

W.P. (MD) No. 7316 of 2019

CS: (03/06/2019) 3P 4C