



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.01.2020

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WEB COPY

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

W.P.(MD)No.777 of 2020

Poongodi

... Petitioner

Vs.

1.The Inspector General of Police,
Office of the Inspector of Police,
South zone,
Madurai.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

3.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai District.

4.Godwin Jagadeesh Kumar,
The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai District.

5.Karuppaiah

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondent No.1 and 2 to strictly instruct the respondent No.4 for not to intervening into to the civil dispute and not to harass the petitioner and her family members, consequently direct the respondent No.1 and 2 to take action against the respondent No.4 in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Chandrasekar
1 to 4 Additional Public Prosecutor



ORDER

This writ petition has been filed directing the respondent No.1 and 2 to strictly instruct the respondent No.4 for not to intervening into to the civil dispute and not to harass the petitioner and her family members, consequently direct the respondent No.1 and 2 to take action against the respondent No.4 in accordance with law.

2.Today, when the matter is taken for hearing, the learned Additional Public Prosecutor, on instructions, would submit that on a complaint given by the fifth respondent, enquiry has been initiated in Current Paper No.1174/PG/DCP/L&O/7C/2019 dated 24.12.2019.

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

4.With the above observations, this writ petition stands closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsg

To

1.The Inspector General of Police,
Office of the Inspector of Police,
South zone,
Madurai.

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



2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

3.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai District.

4.Godwin Jagadeesh Kumar,
The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai District.

+1 CC to Mr.R.ALAGUMANI, Advocate (SR-1820[F] dated 13/01/2020)

W.P. (MD) No.777 of 2020
13.01.2020

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