

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1092 of 2021

B.Mathammal

Petitioner

Vs.

State rep.by

1.The Commissioner of Police,
Salem City.

2.The Inspector of Police,
Omalur Police Station,
Salem.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to not to harass the petitioner and her family members without due process of law .

For Petitioner : Mr.S.Rajanikanth

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in CSR No.568 of 2020, on the file of the respondent police.

4.The petitioner is directed to co-operate 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 v. 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 respondent police is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Commissioner of Police,
Salem City.

2. The Inspector of Police,
Omalar Police Station,
Salem.

3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.S.Rajanikanth, Advocate, S.R.No.4757.

BR(CO)
NRA(25/02/2021)