

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

WP.No.8225 of 2021 &
WMP.No.8778 of 2021

- 1.S.Shanthi
- 2.G.Selvamoorthy
- 3.G.Hariharan
- 4.G.Nithya

... Petitioners

Versus

- 1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Additional Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 3.Deputy Superintendent of Police,
Vandavasi, Arani Road,
Near MLA Office, Vandavasi,
Tiruvannamalai District.
- 4.The Inspector of Police,
Vandavasi South Police Station,
Vandavasi, Tiruvannamalai District.
- 5.The Inspector of Police,
Thellar Police Station, Thellar,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st and 2 respondent to give suitable instruction to respondents 3 to 5 not to harass the petitioners on receipt of any complaints against the petitioners on the basis of false and baseless complainants filed.

For Petitioners : Mr.J.Muthukumaran

For Respondents : Mr.C.Raghavan,
Government Advocate

ORDER

The Writ Petition has been filed seeking for direction to the respondents 3 to 5 not to harass the petitioners under the guise of an enquiry.

2. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

3. The learned counsel appearing for the petitioners submits that the respondent police is harassing the petitioners under the guise of an enquiry.

4. The learned Government Advocate appearing for the respondent police submits that on the complaint given by the de facto complainant against the petitioners, enquiry is pending in CSR.No.102 of 2019.

5. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis for 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, respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
सत्यमेव जयते
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Additional Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

3.Deputy Superintendent of Police,
Vandavasi, Arani Road,
Near MLA Office, Vandavasi,
Tiruvannamalai District.

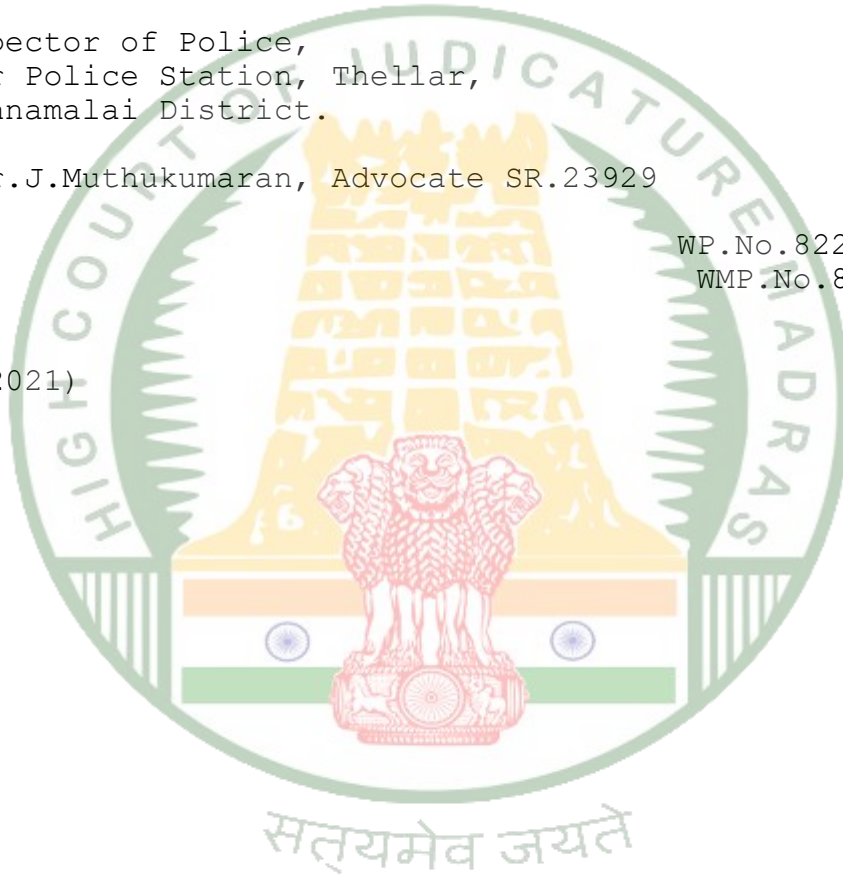
4.The Inspector of Police,
Vandavasi South Police Station,
Vandavasi, Tiruvannamalai District.

5.The Inspector of Police,
Thellar Police Station, Thellar,
Tiruvannamalai District.

+1cc to Mr.J.Muthukumaran, Advocate SR.23929

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LN(CO)
CB(18/06/2021)



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