



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

WP.No.10416 of 2021

Fr.Sagayaraj Muthusamy,
Parish Priest, RC Church, Pannaivilagam,
Correspondent,
Punitha Jayarakkini Matha Aided School,
Pannaivilagam, Selvapuram Post,
Nanilam Taluk, Tiruvarur District - 610 101.

... Petitioner

Versus

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Thiruvarur District.
2. The Inspector of Police,
Nannilam, Thiruvarur, SH-67,
Nagore Nannilam Nachiyar Koil Road,
Thiruvarur - 610 105.
3. The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur, SH-67,
Nagore Nannilam Nachiyar Koil Road,
Thiruvarur - 610 105.

4. Sr.Arockia Janet @ Sr.Arockia Mary

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the second and third respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mrs.Sudha Ramalingam

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor



O R D E R

This Petition has been filed seeking for a direction to the second and third respondents not to harass the petitioner under the guise of an enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner submits that based on the false complaint lodged by the fourth respondent, the second and third respondents are harassing the petitioner under the guise of an enquiry.

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. 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 petitioner against the respondent proceeding to take action in accordance with law.

5. This Petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The District Superintendent of Police,
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3. The Inspector of Police,
All Women Police Station,
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+2 CCs to Mrs. Sudha Ramalingam, Advocate, Sr 25230.

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SSI (CO)
SP(14/07/2021)