

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8278 of 2021

1.J.Monica Joseline

2.Joseph Colman

3.S.V.Sasikala

... Petitioners

Versus

The State rep.by,
The Inspector of Police,
Mr.Selvakumar,
V7, Nolambur Police Station,
Nolambur, Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct respondent (i.e) Inspector of Police, V7, Nolambur Police Station, not to harass the petitioners.

For Petitioners: Mr.Swaraj Associates

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the respondent not to harass the Petitioners and their family members in the name of enquiry without due process of law.

2.Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

3.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent-police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in Crime No.108 of 2021 on the file of the first respondent police.

4.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 in the guise of enquiry without even registering an FIR and the 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 respondent are 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.

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

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

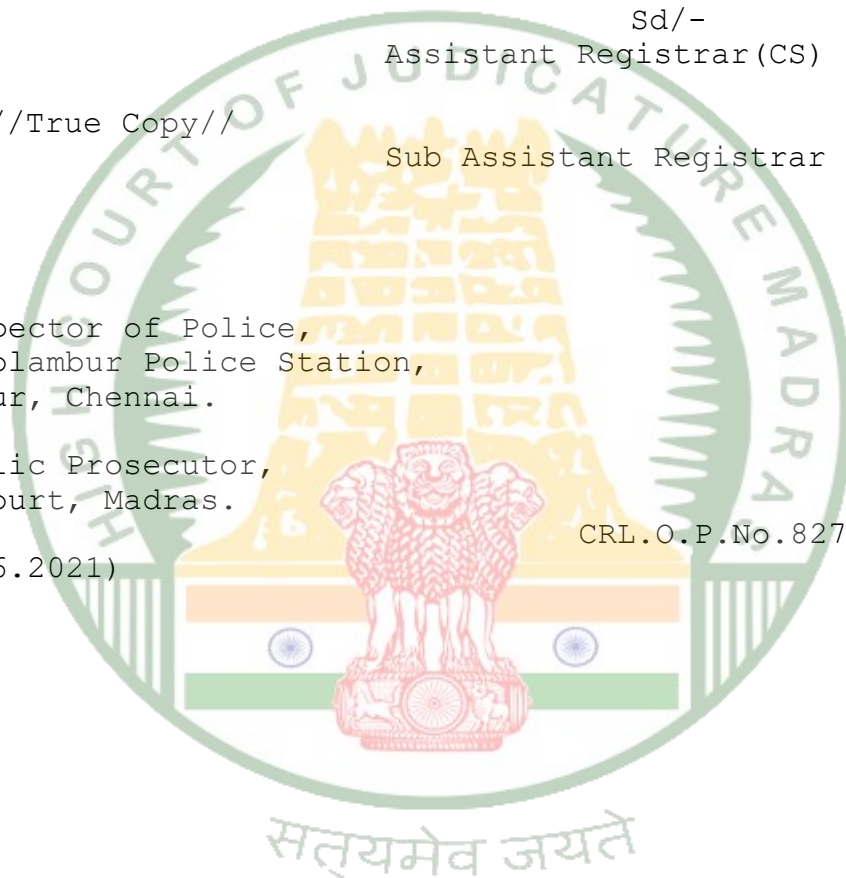
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To

1. The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai.

2. The Public Prosecutor,
High Court, Madras.

A.SK(09.06.2021)

CRL.O.P.No.8278 of 2021



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