



WEB COPY



W.P.Nos.6842 & 6846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.6842 & 6846 of 2024

1.Kokilamani

2.Latha

.. Petitioners
(in W.P.No.6842 of 2024)

Pushpa Devi

.. Petitioner
(in W.P.No.6846 of 2024)

Vs.

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

2.The State Rep by its,
The Inspector of Police,
District Crime Branch,
Coimbatore, Coimbatore District.

3.Rajendran

.. Respondents
(in both cases)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd respondent from interfering with the civil dispute between the petitioners and 3rd respondent in respect of property comprising in Survey No.400 situated at Belapalayam Village, Mettupalayam Taluk, Coimbatore District.



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W.P.Nos.6842 & 6846 of 2024

(In both cases):

For petitioners : Mr.R.Dillikumar

For RR 1 & 2 : Mr.A.Damodaran
Additional Public Prosecutor

COMMON ORDER

These writ petitions have been filed forbearing the 2nd respondent from interfering with the civil dispute between the petitioners and 3rd respondent in respect of property comprising in Survey No.400 situated at Belapalayam Village, Mettupalayam Taluk, Coimbatore District.

2.Learned Additional Public Prosecutor appearing for the respondents 1 & 2 submits that on the complaint given by the *de facto* complainant against the petitioners, petition enquiry is pending in C.P.No.431 of 2023 on the file of the 2nd respondent.

3.The petitioners are directed to co-operate with the police for enquiry and at the time of conducting 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 respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondent police proceeding to take action in accordance with law.

4. With the above directions, these Writ Petitions are disposed of.

No costs

18.03.2024
(2/2)

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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

2. The State Rep by its,
The Inspector of Police,
District Crime Branch,
Coimbatore, Coimbatore District.

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



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N.ANAND VENKATESH, J.

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