



CRL OP(MD). No.9583 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9583 of 2024

1. Nallenthiran
2. Udayakumar ... Petitioners

versus

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

2. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.

3. Ibrahim

4. Muthu Koothal Firthousiya ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent not to harass the petitioners in any manner in the guise of enquiry.

For Petitioners : Mr.K.Sivabalan



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For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The petitioners have approached this Court that the 2nd respondent Police is harassing them under the guise of enquiry.

2. The learned Government Advocate (Crl. Side) submits that on the complaint given by the respondents 3 and 4, the 2nd respondent Police is conducting enquiry and not harassing the petitioners. He further submits that though summons were issued to the petitioners for appearance of the enquiry for four times, they have not appeared for the enquiry and not co-operated for the enquiry.

3. It appears that there is a civil dispute between the parties. The respondent Police is not supposed to conduct an enquiry or investigation without registering a case. However, the respondent Police can conduct a preliminary enquiry in certain cases, such as matrimonial dispute and commercial dispute, as per the direction of the Hon.'ble supreme court in *Lalitha Kumari's case* and that too within a period of seven days.



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4. The learned Government Advocate (Crl. Side) claims that the complaint could not be proceeded for want of co-operation from the petitioners. In the event, if the respondent Police could not find out any material to proceed with the case, they have to close the case and they cannot expect the petitioners to co-operate for the enquiry.

5. Accordingly, this Criminal Original Petition is allowed. The respondents Police are directed not to harass the petitioners under the guise of enquiry. It is open to the respondents Police to register a case, if any cognizable offence is made out.

01.07.2024

Index : Yes / No.
Internet : Yes / No.
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B.PUGALENDHI, J.

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To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.9583 of 2024

01.07.2024