



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2016
CORAM

WEB COPY

THE HONOURBLE MR.JUSTICE P.N.PRAKASH

W.P(MD) .No.6242 of 2016
and
W.M.P. (MD) .No.5495 of 2016

K.Premkumar ... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Palani, Dindigul District.
3. The Inspector of Police, Palani Town Police Station,
Dindigul District.
4. R.Chinnasamy ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the third respondent for interfering the civil dispute between the petitioner and fourth respondent and consequently direct the respondents 1 and 2 to consider the representation dated 14.03.2016.

For petitioner : Mr.P.Arun Jayatram
For Respondents : Mr.D.Muruganandham
Additional Govt. Pleader

O R D E R

This writ petition has been filed for a Writ of Mandamus forbearing the third respondent from interfering with the civil dispute between the petitioner and fourth respondent and consequently direct the respondents 1 and 2 to consider the representation dated 14.03.2016.

2. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 has submitted that on the complaint lodged by the fourth respondent herein, petition enquiry, in C.S.R.No.23 of 2016, is pending and the petitioner has been called for enquiry.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The Hon'ble Supreme Court, in *Lalitha Kumari vs. Govt. of U.P & others*, reported in [2013 (4) Crimes 243 (SC), has



categorically held that in commercial transaction cases also, preliminary enquiry can be conducted.

4. The learned counsel appearing for the petitioner has submitted that the respondent Police are unnecessarily harassing the petitioner.

5. When a complaint is lodged, it is the bounden duty of the Police to conduct an enquiry and in the enquiry the complainant shall also take part and put forth the facts before the Police. However, the Police should not put pressure on the complainant or proposed accused illegally.

6. Under such circumstances, the petitioner herein is directed to participate in the enquiry and during enquiry, he shall not be harassed by the respondent Police. During the course of enquiry, if any cognizable offence is made out, the respondent Police are at free to register F.I.R. and this order shall not be a shield for the petitioner against arrest.

7. With the above observations, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

akv

To

1. The Superintendent of Police, Dindigul District,
Dindigul.
2. The Deputy Superintendent of Police,
Palani, Dindigul District.
3. The Inspector of Police, Palani Town Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Spl.Government Pleader Sr.No.17993

+1CC to Mr.P.Arun Jayatram Advocate Sr.No.17863

GJm/SKS/RR/11.4.16-2p-7C