

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.25742 of 2018

S.Dhanapal

... Petitioner

Vs.

1. The Superintendent of Police
Erode District,
Erode.

2. The Inspector of Police
Karungalpalam Police Station,
Erode District.

3. V. Surendran

4. V. Krishnabai

5. V. Lalithabai

6. V. Donabai

7. V. Geetha

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 not harass the petitioner.

For Petitioner : Mr.A.Ilaya Perumal

For R1 & R2 : Mr.C.Raghavan
Government Advocate (Cr1. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 not harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate(Cr1.side) for the respondents 1 & 2.

3. The learned Government Advocate(Crl.side) appearing for the respondents police 1 & 2 submits that on the complaint given by respondents 3 to 7 against the petitioner, petition enquiry is pending in C.S.R. No.3269 of 2018 on the file of the respondent police.

4. The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and 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, respondents are 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. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

ssr/ub

To

1. The Superintendent of Police
Erode District, Erode.

2. The Inspector of Police
Karungalpalayam Police Station,
Erode District.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.A.Ilaya perumal, Advocate SR.No.78382

Crl.O.P.No.25742 of 2018

SS(CO)

GMV(04/12/2018)