

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26978 of 2018

M.Shanmugam ...Petitioner/Accused
Vs.

1.The Inspector of Police,
Land Grabbing Wing,
Having Office at District Superintendent of Police Campus,
Cuddalore, Cuddalore District.

2.The District Superintendent of Police,
Having Office at District Superintendent of Police Campus,
Cuddalore, Cuddalore District.

3.L.Muruganatham ...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to directing the respondents 1 & 2 not to harass the petitioner in any manner in pertain to complaint given by the third respondent.

For Petitioner :Mr.G.Kadhiresan

For R-1 & R-2 :Mr.C.Raghavan
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct respondents 1 & 2 not to harass the petitioner in any manner in pertain to complaint given by the third respondent.

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

3. The learned Government Advocate(Crl.side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in SPGP/1297/2018 on the file of the respondents 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, first respondent is 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 disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Inspector of Police,
Land Grabbing Wing,
Having Office at District Superintendent of Police Campus,
Cuddalore, Cuddalore District.
- 2.The District Superintendent of Police,
Having Office at District Superintendent of Police Campus,
Cuddalore, Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.G.Kadhiresan, Advocate Sr.No.80023

CrI.O.P.No.26978 of 2018

CS(CO)

CSL/07.12.2018