

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28948 of 2018

K.S.Manikandan

... Petitioner

Vs.

State rep. by
Inspector of Police,
All Women Police Station,
Mahalingapuram, Pollachi,
Coimbatore District.

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for direction to the respondent police not to harass the petitioner.

2.Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

3. It is seen from the records that there is a matrimonial dispute between the parties and already several complaints were given against the petitioner by his wife. Earlier, the petitioner approached this Court by filing a petition for an Anticipatory Bail and it was reported by the respondent police that there is no petition enquiry pending against the petitioner. However, subsequently, the petitioner has again been called for enquiry by the respondent police.

4. In view of the specific stand taken by the respondent before this Court in Crl.O.P.No.26494 of 2018, stating that there is no petition enquiry pending against the petitioner, the petitioner cannot be harassed in the name of enquiry. If there is any specific complaint by the wife against the

petitioner, the respondent police shall strictly comply with the guidelines given by the Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 which has also 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, 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.

4. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Inspector of Police,
All Women Police Station,
Mahalingapuram, Pollachi,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते CRL.O.P.No.28948 of 2018

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