

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.28910 of 2018

A.Gopalakrishnan .. Petitioner

-VS-

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

2. The Sub-Inspector of Police,
Doosi Police Station,
Seiyar Taluk,
Thiruvannamalai District.

3. Sampooranam .. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 or their subordinates not to harass the petitioner or his family members under the guise of an enquiry in connection with the false complaint lodged by the 3rd respondent by considering the petitioner's representation dated 08.12.2018.

For Petitioner : Mr.D.R.Arun Kumar
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 not to harass the petitioner and his family members under the guise of enquiry in connection with the false complaint lodged by the 3rd respondent on the basis of the petitioner's representation dated 08.12.2018.

2. It is seen from the records that there is a property dispute between the petitioner and the defacto complainant. If on enquiry, the respondent police is satisfied that the dispute involved is property dispute between the parties, he shall relegate the parties before the appropriate Civil Court.

3. 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 the Hon'ble Supreme Court of India in the case of **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.

4. This Criminal Original petition is disposed of with the above directions.

11.12.2018

Index : Yes/No
Internet: Yes/No
rka/ssr

To

1. The Superintendent of Police,
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Thiruvannamalai District.

2. The Sub-Inspector of Police,
Doosi Police Station,
Seiyar Taluk,
Thiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH,J.
rka



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