

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29826 of 2018

B.Shankar

.. Petitioner

-vs-

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Central Crime Branch,
Salem City,
Salem.

2.Sakthivel

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass appropriate order directing the 1st respondent not to interfere with any civil dispute.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

This Criminal Original Petition has been filed seeking direction to the first respondent police not to harass the petitioner under the guise of enquiry with regard to his civil dispute.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.67/PGP/DC/Cr&Tr/SLM(C)/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, third 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Central Crime Branch,
Salem City,
Salem.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.K.M.Appaji, Advocate Sr.No.89014

CRL.O.P.No.29826 of 2018

RSK(CO)
CSL/22.01.2019

सत्यमेव जयते

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