



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD)No.1879 of 2018

and

CrI.M.P.[MD].No.961 of 2018

G.Esakkimuthu

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Town Police Station,
Sankarankovil, Tirunelveli District.
3. The Inspector of Police,
AWPS, Sankarankovil,
Tirunelveli District.

... Respondents

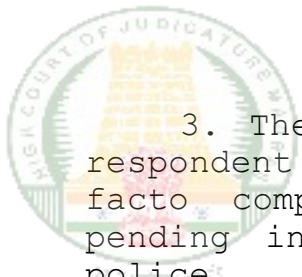
Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd and 3rd respondents not to harass the petitioner and his family members on the basis of the false complaint lodged by the petitioner's wife against the petitioner and his family members and to direct the second and 3rd respondents to follow guidelines issued by the Hon'ble Supreme Court in D.K.Basu 1997 1 SCC 416 case in matters pertaining to arrest or interrogation.

For Petitioner	: Mr.M.Maran
For Respondents	: Mr.M.Chandrasekaran
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd and 3rd respondents herein not to harass the petitioner in name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents.



3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the de-facto complainant against the petitioner, petition enquiry is pending in C.S.R. No.41 of 2018 on the file of the respondent police.

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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 closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
District Police Office,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Town Police Station,
Sankarankovil, Tirunelveli District.
3. The Inspector of Police,
AWPS, Sankarankovil, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI

TE/JM/SV/SAR-3 : 12/09/2018 : 2P/5C