



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P. (MD) No.2149 of 2018

A.Sundaravalli

... Petitioner

Vs.

1.The State Represented by
The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

3.T.Ravichandran

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police herein, not to interfere with the civil dispute and further direct them not to harass the petitioner under the grab of holding an inquiry in this regard.

For Petitioner : Mr.S.Balaji

For R-1 and R-2 : Mr.M.Chandrasekaran
Additional Public Prosecutor

For R-3 : Mr.S.Saravanan

ORDER

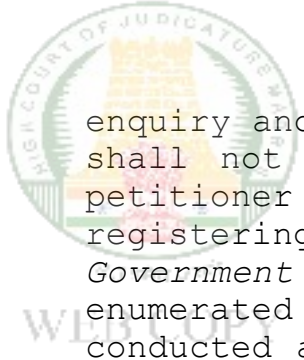
This Criminal Original Petition has been filed to direct the 2nd respondent herein not to harass the petitioner in name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioner, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Mr. T.Ravichandran against the petitioner, petition enquiry is pending in C.S.R. No.51 of 2018 on the file of the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>

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.

Sd/
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The The Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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sjj
KK/RP/SAR-3/07.09.2018/2P-4C