



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P. (MD) No.2151 of 2018

Paskaris

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

3.Maria Koratti

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents not to harass the petitioner without any basis under the guise of enquiry.

For Petitioner	: Mr.A.Rajkumar Sen
For R-1 and R-2	: Mr.M.Chandrasekaran
	Additional Public Prosecutor

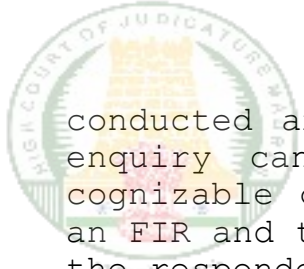
ORDER

This Criminal Original Petition has been filed to direct the 1st and 2nd 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 1 and 2.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Mrs.Maria Koratti against the petitioner, petition enquiry is pending in C.S.R. No.335 of 2017 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, 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 (CS I)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

sjj

To

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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