



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.2378 of 2018

D.Thiruselvakumar

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

3. K.Ramkumar

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner and their family members under the guise of enquiry based on the petitioner's representation dated 28.01.2018.

For Petitioner	: Mr.K.Sanjai Gandhi
For R1 & R2	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl. side)

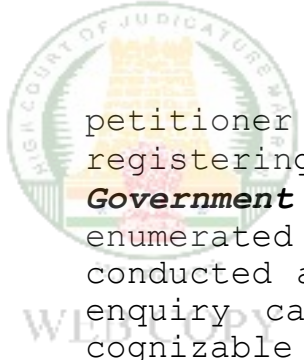
ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

3. The learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 would submit that on the complaint given by K.Ramkumar against the petitioner, the petition enquiry is pending, on the file of the second 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, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the official respondents proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TSG

TE/SKN/SAR-3 : 19/09/2018 : 2P/4C

CrI.O.P. (MD) No.2378 of 2018
28.08.2018