



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.2771 of 2018

S.Sentamil Ambalam

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

3.Ambikapathi @ Koteswar

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents herein not to harass the petitioner and his family members under the guise of petition enquiry into the false complaint filed against the petitioner and his family members except under due process of law.

For Petitioner

: Mr.M.Shakul Hameed

For R-1 and R-2

: Mr.M.Chandrasekaran

Additional Public Prosecutor

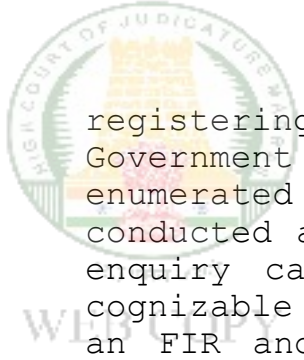
ORDER

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

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Mr. Ambikapathi @ Koteswar against the petitioner, petition enquiry is pending in C.S.R. No.46 of 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, 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 Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.2771 of 2018
20.08.2018

sj i

JM/RSK/SAR 3/07.09.2018/2P/4C