



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.2871 of 2018

M.Vignesh

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
All Women Police Station,
Thanjavur, Thanjavur District.

2. G.Sathya @ G.Angel Sathya Jothi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner and his family members.

For Petitioner

: Mr.S.Bharathy Kannan

For R-1

: Mr.M.Chandrasekaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent 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 first respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by Ms. G.Sathya @ G.Angel Sathya Jothi against the petitioner, petition enquiry is pending in C.S.R. No.134 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**

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

(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(T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
All Women Police Station,
Thanjavur, Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI

VB/SV/SAR2/07.09.2018/2P/3C

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