



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.3098 of 2018

Kannan

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District, Madurai.

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

3. The Inspector of Police,
Kottampatti Police Station,
Madurai District.

4. Mohammed Siddque

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondents not to harass the petitioner and his family members under the guise of enquiry based on the complaint of the fourth respondent.

For Petitioner

: Mr.M.S.Jeyakarthik

For R-1 to R-3

: Mr.M.Chandrasekaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second and third respondents not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the fourth respondent against the petitioner, petition enquiry is pending 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 (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

+ 1 CC TO Mr.M.P.SENTHIL, ADVOCATE IN SR No. 79345

SJI
TE/RP/SAR-1 : 03/09/2018 : 2P/6C

Crl.O.P. (MD) No.3098 of 2018
20.08.2018