



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.4551 of 2018

Rajarathinam

... Petitioner

Vs.

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

2. State rep by its,
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar, Virudhunagar District.

3. Meenakshi Sundaram

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner under guise of enquiry.

For Petitioner	: Mr.C.Bethanasamy
For Respondents	: Mr.K.Suyambulinga Bharathi
1 & 2	Government Advocate (Crl.side)

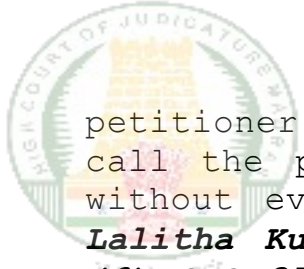
ORDER

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

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on the complaint given by the third respondent, namely, Meenakshi Sundaram against the petitioner, 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, second 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-III)

/True Copy/

Sub Assistant Registrar(Cs-I)

To

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

GNS

VB/SKN/SAR1/12.09.2018/2P/4C

Cr1.O.P. (MD) No.4551 of 2018
21.08.2018