



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. (MD) No. 4826 of 2018

WEB COPY

T. Ramesh

... Petitioner

Vs.

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

2. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Ramanathapuram.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to interfere in the civil dispute and thereby restraining the respondent from harassing the petitioner under the guise of enquiry.

For Petitioner	: Mr.K.Rajeshwaran
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)

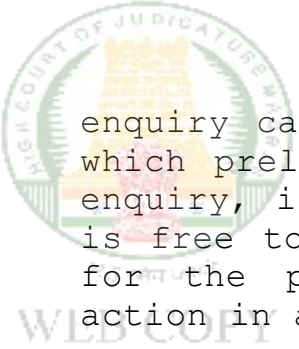
ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to interfere in the civil dispute and thereby restraining the respondent from harassing the petitioner under the guise of enquiry.

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

3. The learned Government Advocate (Crl.side) appearing for the respondents submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.33/ADSP/RMD/PEW/18 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 (AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Rajeshwaran, Advocate SR.No.79749

Gns

MK/RSK/SAR 2/17.09.2018/2P/5C

Cr1.O.P. (MD)No.4826 of 2018
21.08.2018