



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.4875 of 2018

V.Pandiammal

... Petitioner

Vs.

1.The Commissioner of Police,
Alagarkovil Main Road,
K.Pudur, Madurai-7.

2.The Inspector of Police, (Crime),
Thilagarthidal Police Station,
Madurai-1.

3.The Managing Director,
Arunachal Motors Pvt.Ltd.,
(formerly known as Bharath Plough Works Pvt.Ltd.)
Avaniyapuram Road, Pamban Nagar,
Thirupparangundram,
Madurai-5.

4.The Managing Director,
Ravi Lubrication Pvt. Ltd.
Avaniyapuram Road,
Pamban Nagar,
Thirupparangundram,
Madurai-5.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry based on the petitioner's representation dated 25.03.2018.

For Petitioner : Mr.V.Baskaran

For Respondents 1 to 3: 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 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 first and second respondents.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that petition enquiry in C.S.R. No.61 of 2018 is pending as against the petitioner's son and the petitioner was enquired in that regard. It is made clear that the respondent Police shall not harass the petitioner in the name of enquiry.

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(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Commissioner of Police,
Alagarkovil Main Road,
K.Pudur, Madurai-7.



2. The Inspector of Police, (Crime),
Thilagarthidal Police Station,
Madurai-1.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GNS

BU/DS/RP/SAR-I : 26.09.2018 : 3P/4C

Cr1.O.P. (MD) No.4875 of 2018
21.08.2018