



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.4984 of 2018

S.Jeyasakthivel

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai.

2.The Additional Superintendent of Police (Crime),
Office of the Additional Superintendent of Police,
Surveyor Colony,
Madurai 625 007.

3.K.G.Mahendiravarman

4.N.Arumugam

5.C.Ayyappan

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent not to harass the petitioner in the guise of enquiry pursuant to the representation of the petitioner dated 22.03.2018.

For Petitioner	: Mr.A.C.Asaithambi,
For Respondents	: Mr.K.Suyambulingam Bharathi, G.A.(Crl.side) for R1 and R2

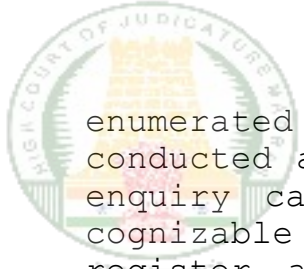
ORDER

This Criminal Original Petition has been filed to direct the second respondent Police not to harass the petitioner under the guise of the enquiry.

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

3. The learned Government Advocate (Crl.side) appearing for the respondents Police submits that petition enquiry is pending in C.No.06/Adsp/4Q/MD/18 before 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(RTI)

/True copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai.
- 2.The Additional Superintendent of Police (Crime),
Office of the Additional Superintendent of Police,
Surveyor Colony,
Madurai 625 007.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.4984 of 2018
21.08.2018

gns
KK/RP/SAR-2/03.10.2018/2P-4C