



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.5002 of 2018

P.Kuttiraj

... Petitioner

Vs.

1.State Rep.by
The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

3.P.Vellaichamy

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent Police not to harass the petitioner by frequently summoning him to appear before the respondent's police office under the guise of enquiry since the matter pertaining to the civil dispute.

For Petitioner	: Mr.A.D.Ganeshamoorthi
For Respondents 1&2	: Ms.Suyambulingam Bharathi, G.A.(Crl.side)
For Respondent 3	:Mr.G.Karuppasamy pandian

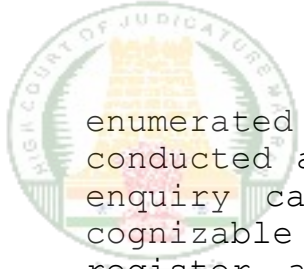
ORDER

This Criminal Original Petition has been filed to direct the respondents Police not to harass the petitioner by issuing summons for appearance before the respondent Police under the guise of enquiry as the matter relating to civil in nature.

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.S.R.No.58 of 2018 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 (Crl side)

/True copy/

Sub Assistant Registrar (CS-III)

To

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

2.The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

+1cc to Mr.A.D.Ganeshamoorthi, Advocate, SR.No.79925

+1cc to Mr.G.Karuppasamy Pandiyan, Advocate, SR.No.79465

Crl.O.P.(MD)No.5002 of 2018
21.08.2018

gns

KK/PM/SAR-3/26.09.2018/2P-5C