



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.10568 of 2017

WEB COPY

A.Sivalingam

...Petitioner

Vs.

1. The Sub-Inspector of Police,
Karaiyur Police Station,
Ponnamaravathy Taluk,
Pudukkottai District.

2. Ramasamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent not to harass the petitioner on the guise of enquiry on the basis of the false complaint of the defacto complainant against the Principles of Natural Justice.

For Petitioner

:Mr.K.Baalasundharam

For R1 and R2

:Mr.M.Chandra Sekaran

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the second respondent against the petitioner, petition enquiry is pending on the file of the 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, respondent police



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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Sub-Inspector of Police,
Karaiyur Police Station,
Ponnamaravathy Taluk,
Pudukkottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TA

VB/SV/SAR2/07.09.2018/2P/3C

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