



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.11047 of 2017

WEB COPY

P.Subramanian

...Petitioner

Vs.

1. The Commissioner of Police,
Tirunelveli City.

2. The Assistant Commissioner of Police,
Law and Order,
Tirunelveli City.

3. The Inspector of Police,
Junction Police Station,
Tirunelveli City.

4. M.U.Rama Balasubramanian

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the Inspector of Police, Junction Police Station, Tirunelveli City not to interfere in to the civil subject matter in respect of the property situated at the portion of town survey No.1101/A, 1101/2 and 1101/4A to the extent of 1.89 cents at Tha.Mu.Road, Sinthupundur Village, Tirunelveli which is pending adjudication before the learned District Munsif, Tirunelveli in O.S.No.358 of 2017.

For Petitioner :Mr.R.Anand

For R1 to R3 :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 third respondent 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 fourth 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, third 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar (Cs-II)

To

1. The Commissioner of Police,
Tirunelveli City.
2. The Assistant Commissioner of Police,
Law and Order,
Tirunelveli City.
3. The Inspector of Police,
Junction Police Station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TA

VB/SV/SAR2/07.09.2018/2P/5C

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