



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.11422 of 2017

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Johnson

...Petitioner

Vs.

1. The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.

2. Essakkiammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent not to harass the petitioner in the name of enquiry on the complaint given by 2nd respondent.

For Petitioner : Mr.B.Thangamani

For R1 : 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 first 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 respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint 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, first 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(W)

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/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
Kalakad Police Station,
Tirunelveli 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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