



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.5117 of 2018

M.Shajahan

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,  
Melur,  
Madurai District.

3.A.R.Nawab John

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent herein not to harass the petitioner on the guise of enquiry upon the complaint given by the third respondent by considering the representation given by the petitioner dated 24.02.2018.

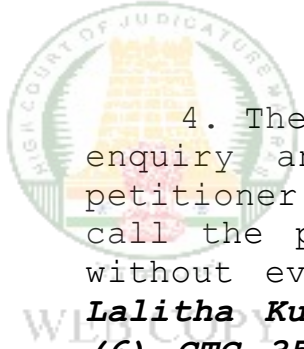
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|-----------------|------------------------------|
| For Petitioner  | : Mr.J.Lawrance              |
| For R-1 and R-2 | : Mr.K.Chandrasekar          |
|                 | Additional Public Prosecutor |

**ORDER**

This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioner on the guise of enquiry upon the complaint given by the third respondent by considering the representation given by the petitioner dated 24.02.2018.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the first and second respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending on the file of the second 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 direction, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police,  
Madurai District, Madurai.
2. The Deputy Superintendent of Police,  
Melur, Madurai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.J.Lawrance, Advocate Sr.No.80159

LS

VB/SKN/SAR1/17.09.2018/2P/5C

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24.08.2018