



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P. (MD).No.13760 of 2017

WEB COPY

S.Pandiyammal

...Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.

3.P.Jeyabalan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent No.2 not to interfere in the civil dispute between the petitioner and 3rd respondent and consequently direct the 2nd respondent not to harass the petitioner.

For Petitioners

:Mr.V.K.Saravanan

For R1 and R2

:Mr.M.Chandra Sekaran
Additional Public Prosecutor

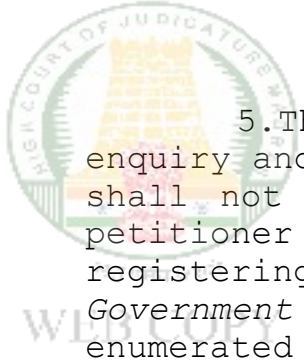
O R D E R

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

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

3.Earlier this matter was referred to mediation and conciliation centre attached to this Bench for settlement, but the Mediation could not succeed and the mediation and conciliation centre submitted a report in this regard.

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



5. 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.

6. With the above directions, the Criminal Original Petition is closed.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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