



WEB COPY

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.14009 of 2017

and

Crl.M.P. (MD) No.10245 of 2017

D.Samuel Chelladurai

...Petitioner

Vs.

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

2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

3.Patturaju

...Respondents

(R3 impleaded as per order of this Court made in
Crl.M.P. (MD) No.10245 of 2017 dated 25.07.2018)

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents not to harass the petitioner without due process of law based on the complaint given by third parties who have no connection with the petitioner or his business by considering the petitioner's representation dated 05.10.2017.

For Petitioners: Mr. Ananth C. Rajesh

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 learned Counsel for the petitioner and 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 third 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, 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.

5. With the above directions, the Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

TA

DS RSK SAR-1 27.09.2018 2P/4C

Cr1.O.P. (MD) .No.14009 of 2017
16.08.2018