



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).No.14059 of 2017

WEB COPY

Thiruselvam

...Petitioner

Vs.

The state rep by
Mr.Bhaskar,
Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent herein not to harass the petitioner on the guise of enquiry into the false complaint filed against the petitioner except under due process of law.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 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 respondent.

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 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, 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.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (Crl. side)

Sub Assistant Registrar (CS-II)

To

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

Crl.O.P. (MD) .No.14059 of 2017
16.08.2018

TA
ES/RP/SAR 2/20.09.2018/2P/3C