



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.6288 of 2018

Jeevan Prakash Babu

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
Uraiyar Police Station,
Trichy City, Trichy.

3.R.Rajesh

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No.1 to strictly instruct the respondent No.2 for not to harass the petitioner by considering the representation submitted by the petitioner dated 12.04.2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

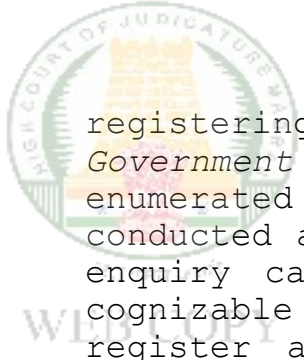
ORDER

This Criminal Original Petition has been filed to direct the first respondent to instruct the second respondent not to harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondent Nos.1 & 2.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.259 of 2018 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, 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 direction, this Criminal Original Petition is closed.

Sd/
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy.
- 2.The Inspector of Police,
Uraiyar Police Station,
Trichy City, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.ALAGUMANI, Advocate, SR.No. 16033

Crl.O.P. (MD)No.6288 of 2018
23.08.2018

GNS
KK/SV/SAR-3/08.10.2018/2P-5C