



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.15859 of 2017

WEB COPY

Balaji

... Petitioner

Vs.

1.The State Rep by its
The Superintendent of Police,
Dindigul District,
Dindigul.

2.The State Rep by its
The Sub Inspector of Police,
Thadikombu Police Station,
Dindigul, Dindigul District.

3.Durai.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to direct the 2nd respondent not to harass the petitioner.

For Petitioner : Mr.J.Sivaram

For R1 & R2 : Mr.K.Chandrasekar

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent namely, Durai against the petitioner, petition enquiry is pending in C.S.R. No.380 of 2017 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 (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

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

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GNS
ES/SKN/RSK/SAR 3/07.09.2018/2P/4C