



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.16079 of 2017

WEB COPY

S.Parthibarajan

... Petitioner

Vs.

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

2.Mohamed Ibrahim

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioner by compelling him to part with the property in favour of the persons with whom the 2nd respondent has got personal interest.

For Petitioners : Mr.R.Anand

For R1

: 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 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 first respondent.

3.The learned Additional Public Prosecutor appearing for the first respondent 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, first 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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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

Ta

MK/RSK/SAR 2/17.09.2018/2P/3C

Cr1.O.P. (MD) .No.16079 of 2017
16.08.2018