



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.6660 of 2018

1.P.Velusamy

2.Babu @ Ganesan

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.

3.Muthaiah

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioners.

For Petitioners: Mr.D.Selvaraj

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

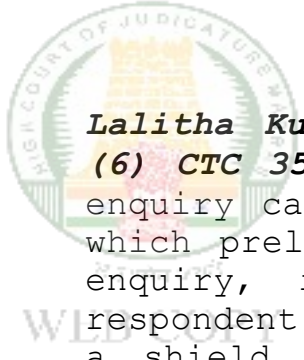
ORDER

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

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

3. The learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 would submit that on the complaint given by Muthaiah against the petitioners, the petition enquiry is pending in No.G5/016476/1122/GDP/18, on the file of the second respondent police.

4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and the 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, the second respondent is free to register an FIR and this order shall not be a shield for the petitioners against the official respondents proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.D.SELVARAJ, ADVOCATE IN SR NO.80833

TSG

BU/SKN/SAR-II : 03.10.2018 : 2P/5C

Cr1.O.P. (MD) No.6660 of 2018
28.08.2018