



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.9433 of 2018

N.Pandiselvi

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Karimedu,
Madurai.

...1st and 2nd Respondents

3.Jayaprakash

...3rd Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner based on the complaint given by the third respondent.

For Petitioner: Mr.N.Balakrishnan

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 petitioner unnecessarily against law under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and 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 one Jayaprakash, against the petitioner, the petition enquiry is pending with the C.S.R. No.346 of 2018, on the file of the second respondent police.



4. The petitioner is directed to co-operate 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, the 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(T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

tsg

BU/DS/RP/SAR-I : 26.09.2018 : 2P/4C

CrI.O.P. (MD) No.9433 of 2018
28.08.2018