



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.9621 of 2018

Manikandan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Chinnamanoor Police Station, Theni District.

2.Viswanatha Gurukkal

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent not to interfere in the civil dispute between the petitioner and the second respondent and not to harass the petitioner and his family members.

For Petitioner	: Mr.R.Suriyanarayanan
For R1	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner and his family members 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 first respondent.

3. The learned Government Advocate (Crl. side) appearing for the first respondent would submit that on the complaint given by one Viswanatha Gurukkal, against the petitioner, the petition enquiry is pending on the file of the first 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 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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS I)

tsg

To

1.The Sub Inspector of Police,
Chinnamanoor Police Station, Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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