



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. (MD) No. 10248 of 2018

WEB COPY

Maran

... Petitioner

Vs.

1. The Commissioner of Police,
O/o The Commissioner of Police,
Madurai District.

2. The Inspector of Police
Jaihindpuram Police Station,
Madurai District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No. 1 to strictly instruct the respondent No. 2 for not to harass the petitioner and his family members by considering his representation dated 13.06.2018 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.K.Chandra sekaran
	Additional Public Prosecutor

ORDER

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

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioner's sons, petition enquiry is pending on the file of the second respondent police. The petitioner's first son having eight previous case and his second son having four previous case. The petitioner did not harass by the respondent police.

4. However, the petitioner is only the father and he cannot be harassed in the name of enquiry. 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 directions, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Commissioner of Police,
O/o The Commissioner of Police,
Madurai District.
2. The Inspector of Police
Jaihindpuram Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No.80321

LS

VB/SKN/SAR3/24.09.2018/2P/5C

Cr1.O.P.(MD)No.10248 of 2018
24.08.2018