



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.10247 of 2018

K.Abdul Khader

... Petitioner

Vs.

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

2. The Assistant Commissioner of Police(Crime),
Tirunelveli Town,
Tirunelveli.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police not to harass the petitioner herein with regard to the complaint pending on the file of the respondent Police.

For Petitioner	: Mr.M.Sankar
For Respondents	: 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 and his family members unnecessarily against law under the guise of enquiry.

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

3. The learned Government Advocate (Crl.side) appearing for the respondents submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.218/PTN/DC/CNT/TINC/18 on the file of the second 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, 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 (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
2. The Assistant Commissioner of Police(Crime),
Tirunelveli Town,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GNS
TE/SKN/SAR-3 : 19/09/2018 : 2P/4C

Cr1.O.P. (MD) No.10247 of 2018
27.08.2018