



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.19034 of 2018

V.Mani Vairam

.. Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.

3.Gurusamy

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to direct the second respondent not to harass the petitioner in any manner of due processes of law.

For Petitioner : Mr.R.Vinoth Kumar
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor
ORDER

This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioner in the guise of petition enquiry.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by one Gurusamy against the petitioner, petition enquiry is pending in C.S.R. No..259 of 2018, 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 (AD-I)

/True copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Virudhunagar District.
2. The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.R.VINOTH KUMAR, Advocate, SR.No. 92297

Cr1.O.P. (MD) No.19034 of 2018

TSG
KK/RP/SAR-3/30.11.2018/2P-5C