



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.18864 of 2018

P.Ramanathan

... Petitioner

Vs.

1. The Commissioner of Police
Madurai City
Madurai.
2. The Inspector of Police
Anna Nagar police Station
Madurai City
Madurai.
3. Godwin Jagadeesh Kumar
Working as Inspector of Police
Anna Nagar Police Station
Madurai City, Madurai
4. L.Ramanathan
5. R.M.Lakshmanan
6. R.Ramanathan
7. L.R.M.Alagappan
8. A.L.Ramanathan
9. A.L.Lakshmanan
10. R.M.Kasi
11. Senthilnathan
12. S.Lakshmanan
13. Elango
14. L.Lakshmanan

... Respondents



under the guise of enquiry without due process of law and consequently direct the second respondent not evict the petitioner without due process of law.

For Petitioner : Mr.D.Ramesh Kumar
For Respondents : Mr.K.Suyambulinga Bharathi
No.1 and 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry without due process of law and consequently direct the second respondent not evict the petitioner without due process of law

2. Heard 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 respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.S.R. No.850 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(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-III)



To

1. The Commissioner of Police
Madurai City
Madurai.

2. The Inspector of Police
Anna Nagar police Station
Madurai City
Madurai.

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

+ 1 CC TO Mr.D.Ramesh Kumar , ADVOCATE IN SR No.91518.

AAV

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Cr1.O.P.(MD)No.18864 of 2018
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