



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.18903 of 2018

C.Kasi

...Petitioner

Vs.

1. The State represented through
The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2. The Inspector of Police,
B1 Police Station,
Ramanathapuram.

3. Jothi Murugan

4. Muniyasamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents 1 to 3 as not to harass the petitioner in the guise of enquiry.

For Petitioner

:Mr.S.M.AJinnah

For R1 and R2

:Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the official respondents.

3.The learned Government Advocate (Criminal Side) appearing for the official respondents submits that on the complaint given by the complainant as against the petitioner, petition enquiry is pending on the file of the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/> 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
B1 Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

das
SS/SKN/SAR 3/29.11.2018/2P/4C

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25.10.2018