



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.10666 of 2018

Visuvasam

... Petitioner

Vs.

- 1.The State represented by its,
The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
- 4.The Sub-Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner and his family members without due process of law based on the petitioner's complaint dated 09.06.2018.

For Petitioner	: Mr.PR.Boomee Rajan
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 son, petition enquiry is pending on the file of the third respondent police. The petitioner's son having seven previous cases. The petitioner was not harassed 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, third 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(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

Ls

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
3. The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
4. The Sub-Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.10666 of 2018