



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.19038 of 2018

WEB COPY

M.Magudapathy

...Petitioner

Vs.

1.The Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Aravakurichi Police Station, Karur District.

3.Shanthi ...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to directing the second respondent not to harass the petitioner and his family members by compelling him to pay the amount based on the third respondent's complaint.

For Petitioner: Mr.S.Muthalraj
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor

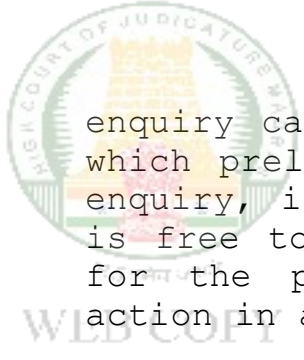
ORDER

This Criminal Original Petition has been filed to direct the first respondent to direct the second respondent not to harass the petitioner and his family members by compelling him to pay the amount based on the third respondent's complaint.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending in C.S.R. No.275 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 **Pratiha 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 (CrI-Side)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Aravakurichi Police Station, Karur District.

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

+ 1 CC TO MR.NA.PALANIYANDI, ADVOCATE IN SR NO.92476

TSG

BU/SKN/SAR-III:23.11.2018 : 2P/5C

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