



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 26.10.2018  
CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

WEB COPY

Cr1.O.P.(MD)No.19035 of 2018

Ignacimuthu

... Petitioner

**Vs.**

- 1.The State represented by its  
The Superintendent of Police,  
Virudhunagar District, District.
- 2.The Deputy Superintendent of Police,  
Sivakasi, Virudhunagar District.
- 3.The Inspector of Police,  
Town Police Station, Sivakasi,  
Virudhunagar District.
- 4.The Sub Inspector of Police,  
Town Police Station,  
Sivakasi, Virudhunagar District.

5.Annathai

...Respondents

**Prayer:** This Criminal Original Petition filed under Section 482 Cr.P.C.to direct the respondents 1 to 4 herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's complaint dated 16.10.2018.

For Petitioner: Mr.PR.Boome Raja

For R1 to R4 : Mr.R.Anandharaj

Additional Public Prosecutor

**ORDER**

This Criminal Original Petition has been filed to direct the respondents 1 to 4 herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's complaint dated 16.10.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 4.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the de-facto complainant against the petitioner, petition enquiry is pending in C.S.R.No..299 of 2018, on the file of the fourth



respondent.

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, fourth 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, District.

2.The Deputy Superintendent of Police, Sivakasi,  
Virudhunagar District.

3.The Inspector of Police, Town Police Station, Sivakasi,  
Virudhunagar District.

4.The Sub Inspector of Police, Town Police Station,  
Sivakasi, Virudhunagar District.

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

+ 1 CC TO MR.PR.BOOME RAJA , ADVOCATE IN SR NO.92545

tsg

BU/KK/RP/SAR-III:22.11.2018 : 2P/7C

**Cr1.O.P. (MD)No.19035 of 2018**  
**26.10.2018**