



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.19053 of 2018

WEB COPY

Sundaramoorthy

... Petitioner

Vs.

1. The Commissioner of Police,  
Madurai City, Madurai.

2. The Inspector of Police,  
Thirunagar Police Station,  
Thirunagar, Madurai.

3. B.Latha

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner by intervening the civil dispute between the petitioner and the third respondent.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.K.K.Kannan              |
| For R1 & R2    | : Mr.R.Anandharaj            |
|                | Additional Public Prosecutor |

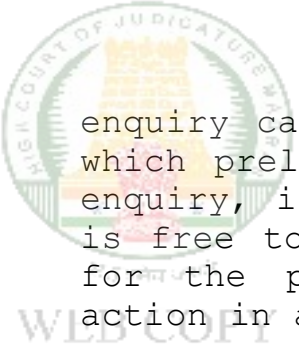
**ORDER**

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner by intervening the civil dispute between the petitioner and the third respondent.

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.218 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(crl side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Commissioner of Police,  
Madurai City, Madurai.
2. The Inspector of Police,  
Thirunagar Police Station,  
Thirunagar, Madurai.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.K.K.Kannan, Advocate Sr.No.92637

tsg

VB/SV/SAR2/19.11.2018/2P/5C

**Crl.O.P. (MD)No.19053 of 2018**  
**26.10.2018**