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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.(MD)No.19666 of 2018

S.Suresh Kumar ... Petitioner

Vs.

1.The Superintendent of Police,
District Crime Branch,
Theni District.

2.The Inspector of Police,
District Crime Branch,
Theni District. ..Respondents 1 and 2/Complainants

3.The Manager,
Sri Ram Trade Finance,
Savaveri Transport,

4.The Proprietor,
Sri Ram Traders Finance Company Ltd., ...Respondents 3 and 4/
De facto Complainants

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner and his family members based on the complaint dated 23.10.2018.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents No.1 and 2 : Mr.K.Suyambulinga Bharathi, Government Advocate(Crl.Side).

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) for the respondents 1 and 2.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint given by the third and fourth respondents/de facto complainants against the petitioner, petition enquiry is pending in C.No.2645/GDP/52977/SP-TN/18 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

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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(CS-I)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The Superintendent of Police,
District Crime Branch,
Theni District.

2.The Inspector of Police,
District Crime Branch,
Theni District.

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

+1cc to Mr.G.Thalaimutharasu, Advocate, SR.No.93565

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31.10.2018

CP
KK/PM/SAR-3/06.12.2018/2P-5C

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