



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.19275 of 2018

P.Maruthupandian

... Petitioner

Vs.

1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai.
2. The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Madurai.
3. The Inspector of Police,
Karimedu Police Station (Crime),
Madurai.
4. Dewan

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to direct the third respondent not to harass the petitioner based upon the representation sent by the petitioner dated 22.10.2018.

For Petitioner : Mr.R.Senthil Kumar

For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to direct the third respondent not to harass the petitioner based upon the representation sent by the petitioner dated 22.10.2018.

2. Heard learned counsel appearing for the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/>
learned Government Advocate (Crl.side) for the respondents 1 to 3.



3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending before the third 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(ADI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai.
2. The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Madurai.
3. The Inspector of Police,
Karimedu Police Station (Crime),
Madurai.



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

WEB COPY

+1cc to Mr.R.Senthil Kumar, Advocate Sr.No.93714

GNS

KM-NM/RP/SAR3/29.11.2018/3P/6C

Cr1.O.P. (MD) No.19275 of 2018
30.10.2018