



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.11916 of 2018

R.Kulandaivel

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Kodaikkanal, Dindigul District.
3. The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
4. The Sub Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
5. Anandan
6. Kamatchi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to interfere with the civil dispute in the petitioner's patta land in S.No.1557/7 and 1557/6 in patta Nos.3650 and 3649 situated at Vilpatti Village, Kodaikkanal Taluk, Dindigul District to an extent of 5 acres 92 cents and to allow the cultivation and odai work in the petitioner's land on the basis of representation given by the petitioner dated 09.07.2018.

For Petitioner : Mr.K.Asok Kumar Ram
For Respondents 1 to 4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct respondents not to interfere with the civil dispute in the petitioner's patta land in S.No.1557/7 and 1557/6 in patta Nos.3650 and 3649 situated at Vilpatti Village, Kodaikkanal Taluk, Dindigul District to an extent of 5 acres 92 cents and to allow the cultivation and odai work in the petitioner's land on the basis of representation given by the petitioner dated 09.07.2018.



2. Heard learned counsel appearing for the petitioner and learned Government Advocate (Crl.side) for the respondent Nos.1 to 4.

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 in C.No.G3/20511/2261/18 on the file of the fourth 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 (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Kodaikkanal, Dindigul District.
3. The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
4. The Sub Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SHOK KUMAR RAM, ADVOCATE IN SR No. 80906

GNS

TE/RSK/SAR-2 : 20/09/2018 : 2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>

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