



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.12369 of 2018

V.Veeramani

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
(Law and Order)
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

3.Arun Pandian

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to grant an order of direction restraining the respondents 1 and 2 herein, their men, servants, subordinates or any other person or persons authorized by them from, in any manner, harassing against the petitioner herein.

For Petitioner : M/s.AL.Ganthimathi
For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

For Respondent NO. 3: MR. G.V. Vairam Santhosh,

ORDER

This Criminal Original Petition has been filed to direct the first and second respondents and their officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

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

3. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on the complaint given by the third respondent/defacto complainant against the petitioner, petition enquiry is pending in C.No.534/PG/DC/L80/MC/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 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 IV)

gns

To

1.The Deputy Commissioner of Police,
(Law and Order)
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

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

1CC TO M/S.AL. GANTHIMATHI, ADVOCATE SR 80364

1CC TO MR. G.V. VAIRAM SANTHOSH, ADVOCATE SR 80452

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Cr1.O.P. (MD) No.12369 of 2018

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