



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No.12402 of 2018

S.Sathish

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.

2.The Inspector of Police,
K.Pudur Police Station,
K.Pudur,
Madurai.

3.K.Kavitha

... Respondents

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, to issue a direction directing the first respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.S.Saravanakumar

For R1 and R2 : Mr.M.Chandrasekaran
Additional Public Prosecutor

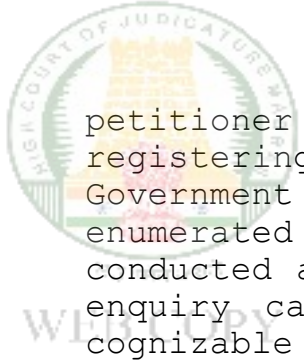
ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent police, not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by third respondent against the petitioner, in the month of June, 2018, petition enquiry is pending in C.No.R4/503/35428/18 on the file of the first 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, first 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS- III)

To

1. The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.
2. The Inspector of Police,
K. Pudur Police Station,
K. Pudur,
Madurai.
3. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No. 12402 of 2018
09.08.2018

PNN

ES/SV/SAR 3/14.09.2018/2P/4C