



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.12414 of 2018

WEB COPY

Ganesan

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
3. The Sub Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
4. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

5.A.Jebasthiammal

... Respondents

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, to direct the 3rd and 4th respondents not to harass the petitioner under the guise of enquiry and not to interfere in the civil dispute.

For Petitioners : Mr.S.Muthukumar

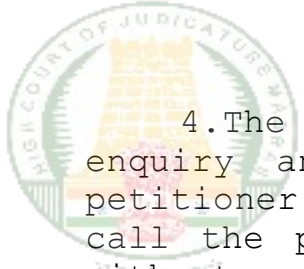
For R1 to R4 : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents 3 and 4, 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.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by fifth respondent against the petitioner in the year 2016, petition enquiry is pending in CSR No.528 of 2018 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, fourth 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(crl side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

PNN

VB/RP/SAR3/05.09.2018/2P/6C

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