



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.12988 of 2018

S.Suresh

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Assistant Commissioner of Police,
Annanagar (Law and Order) Circle,
Madurai District.

3. The Inspector of Police,
Annanagar Police Station,
Madurai District.

4. A.Selvaraj

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondent police not to interfere in civil dispute in regard to the activities and eviction of school run by the petitioner's trust in the name and style of "FES Matriculation School" at Re.S.No.31/1 and Re.S.No.31/3 of Melamadai Village I bit, Madurai North Taluk, situated in Plot Nos.51 & 4 bearing D.No.2/667 of Thalai Street, 6th main Road, Gomathipuram attached to Theppakulam sub District, Madurai North Registration district, Madurai.

For Petitioner : Mr.S.Sukumar

For Respondents 1 to 3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the second and third respondents not to interfere in civil dispute between the petitioner and the fourth respondent.

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

3.
<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Government Advocate (Crl.side) appearing for the



respondent police submitted that on the complaint given by the fourth respondent/defacto complainant against the petitioner, petition enquiry is pending in C.No.309/COMP/PG/COP/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 (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Commissioner of Police,
Madurai City, Madurai.
 2. The Assistant Commissioner of Police,
Annanagar (Law and Order) Circle,
Madurai District.
 3. The Inspector of Police,
Annanagar Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO Mr.S.SUKUMAR, ADVOCATE IN SR No. 80518

GNS

TE/RSK/SAR-2 : 24/09/2018 : 2P/6C

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

Cr1.O.P. (MD) No.12988 of 2018
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