



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.12856 of 2018

Anandraj

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Othakadai Police Station,
Madurai District.

3. Karuppasamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No.2 for not to harass the petitioner and his family members by intervening into the civil dispute.

For Petitioner : Mr.R.Alagumani
For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

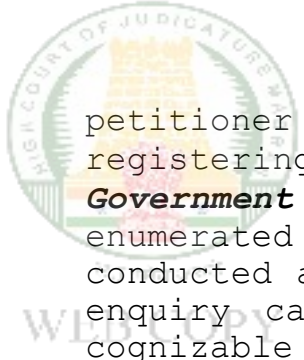
ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his family members by intervening into the civil dispute.

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 submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.338 of 2018 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 (T&P)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Othakadai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GNS
TE/RSK/SAR-2 : 20/09/2018 : 2P/4C

Cr1.O.P. (MD) No.12856 of 2018
27.08.2018