



WEB COPY

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.13504 of 2018

Manjunathsamy

...Petitioner

Vs.

1.The District Superintendent of Police,  
O/o. Sivagangai Collectorate,  
Sivagangai.

2.State through represented by  
The Sub-Inspector of Police,  
Kundrakudi Police Station, Karaikudi.

3.Sathya

4.kannan

5.Ramesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent not to harass the petitioner without any basis under the guise of Enquiry.

For Petitioner

:Mr.L.Prabhu

For R1 & R2

:Mr.K.Chandran

Additional Public Prosecutor

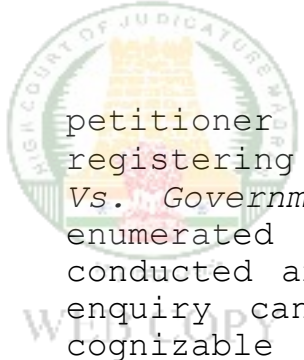
### **O R D E R**

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

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

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that on the complaint dated 26.07.2018, given by the third respondent against the petitioner, petition enquiry is pending in CSR No.198 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 the 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, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondents 1 and 2 proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition stands closed.

SD  
ASSISTANT REGISTRAR ( CS II )

TRUE COPY

SUB ASSISTANT REGISTRAR ( CS II )

tsg  
To

1. The District Superintendent of Police,  
O/o. Sivagangai Collectorate,  
Sivagangai.
2. The Sub-Inspector of Police,  
Kundrakudi Police Station, Karaikudi.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. L. PRABHU, ADVOCATE SR: 77868

DS SKN SAR 2  
31 8 2018  
2P 5C

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