



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.13712 of 2018

M.A.Senthil Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No.2 not to harass the petitioner and his family members in the name of enquiry on the basis of representation dated 30.07.2018 within the time stipulated by this Court.

For Petitioner	: Mr.I.Sabeer Mohamed
For Respondents	: Mr.K.Chandrasekar
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

2. Heard learned counsel appearing 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 the defacto complainant against the petitioner, petition enquiry is pending in C.S.R. No.122 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 (WRITS)

TRUE COPY

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SUB ASSISTANT REGISTRAR (CS II)

gns

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. I. SABEER MOHAMED, ADVOCATE SR: 78156

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