



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.13896 of 2018

WEB COPY

C.Mahendran

... Petitioner

Vs.

1. The Superintendent of Police
Viruthunagar District
Viruthunagar

2. The Inspector of Police
Dhalavaipuram Police Station
Viruthunagar District

3. Kanthasamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner.

For Petitioner : Mr.C.Jeyaprakash

For Respondent No.1&2 : Mr.K.Chandrasekar

Additional Public Prosecutor

ORDER

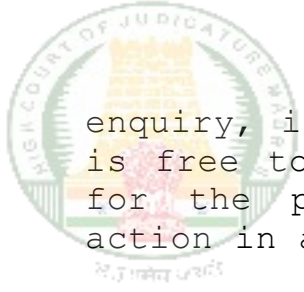
This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner.

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 Kandasamy against the petitioner, petition enquiry is pending in Current Petition No.072274 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 (CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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

+1cc to Mr.C.Jeyaprakash, Advocate SR.No.77238
Aav
MK/MMS/SAR 2/16.08.2018/2P/5C

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