



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.13905 of 2018

P.Mathupandian

... Petitioner

Vs.

1. The State rep by its
The Inspector of Police (L&O),
Thilagardhidal Police Station,
Madurai City.

2. P.Saravanan

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent herein not to harass the petitioner in name of enquiry without due process of law.

For Petitioner	: Mr.I.Saliyakhan
For Respondent	: Mr.K.Chandrasekar
No.1	Additional Public Prosecutor

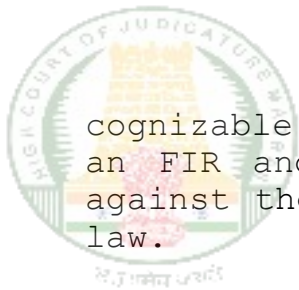
ORDER

This Criminal Original Petition has been filed to direct the first respondent herein not to harass the petitioner in name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the first respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given P.Saravanan against the petitioner, petition enquiry is pending in C.S.R. No.167 of 2018 on the file of the first 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, first 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 (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police (L&O),
Thilagardhidal Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.I.SALIYAKHAN, ADVOCATE IN SR No. 77369

AAV

TE/RP/SAR-3 : 21/08/2018 : 2P/4C

Cr1.O.P. (MD) No.13905 of 2018
06.08.2018