



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.19380 of 2018

Mohammed Ikbal

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.State rep by
The Inspector of Police,
District Crime Branch,
Dindigul District.

3.Kadhar

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent, not to harass the petitioner and his son in the guise of enquiry without any criminal case pending on the file of the second respondent herein on the basis of the complaint lodged by the third respondent relating to the recovery of money.

For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.K.Suyambulinga Bharathi,
No.1 & 2 Government Advocate(Crl.Side)

ORDER

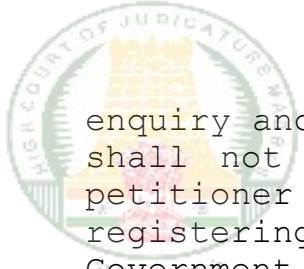
This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his son under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) for the respondents 1 and 2.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint given by the third respondent/defacto complainant against the petitioner, petition enquiry is pending in C.No.G3/40777/3856/18 on the file of the second respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>

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(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

cp

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.R.Murugesan, Advocate in SR No.93948

Cr1.O.P.(MD)No.19380 of 2018

NM/RSK/SAR II/26.11.18/2P/5C.