



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.14059 of 2018

A.Pushpagiritharan

... Petitioner

Vs

1.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City, Alagar Kovil Road,
Madurai-625 002.

2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai District-625 002.

3.Kanagavalli

4.S.Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second and third respondents not to harass the petitioner and his family members in the name of enquiry.

For Petitioner : Mr.V.Baskaran

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor

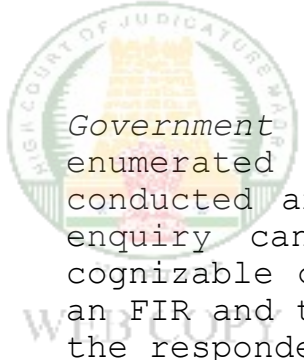
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second and third respondents not to harass the petitioner and his family members in the name of enquiry.

2.Heard learned Counsel 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 dated 05.08.2018 given by the respondents 3 and 4 against the petitioner, petition enquiry is pending in CSR No.339 of 2018 on the file of the 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, respondent police 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS III)

/True Copy/

Sub Assistant Registrar (CS II)

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To

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City, Alagar Kovil Road, Madurai-625 002.

2. The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai District-625 002.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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