



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.10.2018
CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL.O.P. (MD) No.19439 of 2018

WEB COPY

1.Pothikannu Nadar

2.P.Ramaraj

3.P.Gurusamy

4.P.Manokaraj

5.Mariyammal

6.Minnalkodi

... Petitioners

Vs

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.

3.Chellappa

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent not to harass the petitioners under the guise of enquiry based on the petitioners' representation dated 23.10.2018.

For Petitioners : Mr.M.Sankar
For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

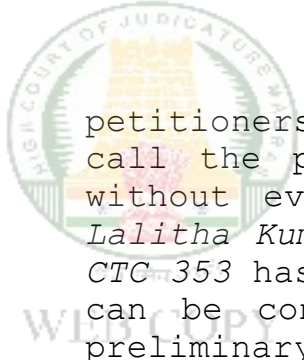
ORDER

This criminal original petition has been filed to direct the second respondent police not to harass the petitioners.

2.Heard the learned counsel appearing for the petitioners and the 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 against the petitioners, current paper is pending before the respondent police.

4.The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the



petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners 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 (AD-I)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. M. SANKAR, Advocate, SR.No.93322

CRL.O.P. (MD) No.19439 of 2018

MM
KK/BK/SAR-4/12.12.2018/2P-5C