WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.08.2018
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14308 of 2018

Muruganantham ... Petitioner

Vs.

1. The Superintendent of Police
   Office of the Superintendent of Police
   Ramanathapuram

2. The Sub Inspector of Police
   Abiramam Police Station
   Ramanathapuram District ... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harss the petitioner and his family members against the law in the nature and circumstances of the case.

For Petitioner : Mr.A.Arputharaj
For Respondents : Mr.K.Chandrasekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and his family members against the law in the nature and circumstances of the case.

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 against the petitioner, petition enquiry is pending in C.No.264 of 2018 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***

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

WEB COPY

(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-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police
   Office of the Superintendent of Police
   Ramanathapuram

2. The Sub Inspector of Police
   Abiramam Police Station
   Ramanathapuram District

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

+1cc to Mr.A.Arputharaj, Advocate SR.No.15465
Aav
MK/SKN/SAR 2/03.09.2018/3P/5C

Crl.O.P.(MD)No.14308 of 2018
13.08.2018

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