



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.14418 of 2018

O.Periyasamy

... Petitioner

Vs.

1. The State Rep. by
The Commissioner of Police
Trichy City
Trichy
2. The Assistant Commissioner
Anti Land Grabbing Special Cell
Trichy City
3. The Inspector of Police
Anti Land Grabbing Special Cell
Cantonment
Trichy City
4. Mahalakshmi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondents herein not to harass the petitioner on the guise of enquiry and to follow the due process of law.

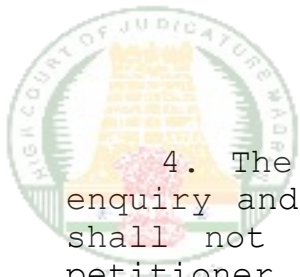
For Petitioner	: Mr.B.Jameel Arasu
For Respondents	: Mr.K.Chandrasekaran
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second and third respondents herein not to harass the petitioner on the guise of enquiry

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 by Mahalakshmi against the petitioner, petition enquiry is pending in proceedings No.K1/247/15704/2018 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 (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 (CO)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

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To :

1. The Commissioner of Police
Trichy City, Trichy
2. The Assistant Commissioner
Anti Land Grabbing Special Cell
Trichy City
3. The Inspector of Police
Anti Land Grabbing Special Cell
Cantonment
Trichy City
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR.V.JAMEL ARASU, ADVOCATE SR: 78775

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