



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.14320 of 2018

Selvaraj

... Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District
Nagercoil
2. The Sub Inspector of Police
District Crime Branch
Nagercoil, Kanyakumari District

3. R.Marry Regcy

...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 family members under the guise of enquiry.

For Petitioner	: Mr.T.Selvakumaran
For Respondents	: Mr.K.Chandrasekaran
1 & 2	Additional Public Prosecutor

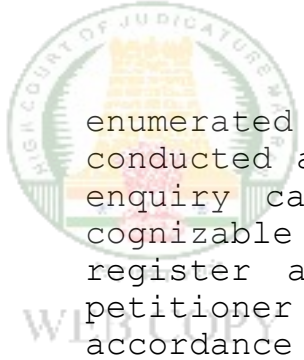
ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his family members under 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 R.Marry Regcy against the petitioner, petition enquiry is pending in PZ/SP/GOP/227/18 on the file of the first 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(P&A)

/True copy/

Sub Assistant Registrar (CS-III)

To

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

Cr1.O.P. (MD) No.14320 of 2018
13.08.2018

AAV
KK/RP/SAR-3/06.09.2018/2P-4C