



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD).No.19583 of 2018

S.J.Sankar

...Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Deputy Superintendent of Police,
Sivakasi, Virudhunagar District.

3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

4.The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

5.S.Janakiraman

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the third and fourth respondents not to harass the petitioner and not to interfere in the commercial dispute.

For Petitioner :Mr.M.Jothi Basu

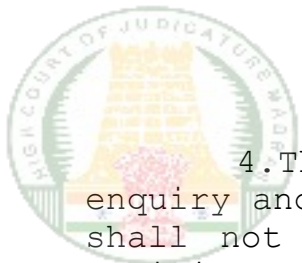
For R1 to R4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the third and fourth respondents not to harass the petitioner and not to interfere in the commercial dispute.

2.Heard learned Counsel for the petitioner and the learned Government Advocate (Criminal Side) for the official respondents.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that on the complaint given by the fifth respondent against the petitioner, petition enquiry is pending 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, third 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 directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sivakasi, Virudhunagar District.
- 3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 4.The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Jothi Basu, Advocate, Sr.No.93912.

Crl.O.P. (MD) .No.19583 of 2018
01.11.2018

das