



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD) No.14672 of 2018

M.Srinivasa Saravanan

... Petitioner

Vs.

1. The State Rep.by
The Sub Inspector of Police
Anti Land Grabbing Special Cell
Madurai City

2. Muthukumar

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent police not to harass the petitioner on the basis of multiple complaint given by the second respondent before the various police station for the very same property dispute in which the first respondent is one among them.

For Petitioner	: Ms.K.Abiya
For Respondent	: Mr.K.Suyambulinga Bharathi
No.1	Government Advocate (CrI.Side)

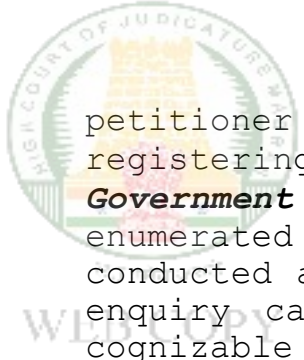
ORDER

This Criminal Original Petition has been filed to direct the first respondent police not to harass the petitioner on the basis of multiple complaint given by the second respondent before the various police station for the very same property dispute in which the first respondent is one among them

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (CrI.Side) for the first respondents.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that on the complaint given Muthukumar against the petitioner, petition enquiry is pending in proceedings No.R2/43134/970/18 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, first 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&T)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police
Anti Land Grabbing Special Cell
Madurai City
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.K.Abiya, Advocate in SR No.79762

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NM/SKN/SA3/18.09.2018/2P/4C