



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.19990 of 2018

WEB COPY

Gunasekaran

... Petitioner

Vs.

1. State rep. by the Commissioner of Police,
Madurai City.

2. State rep. by the Inspector of Police,
Karimedu Police Station,
Madurai City.

3. Rajasekar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

For Petitioner : Mr.S.Krishnan

For Respondents 1 & 2 : Mr.R.Anandharaj

Additional Public Prosecutor

For Respondent 3 : Mr.K.Neethimohan

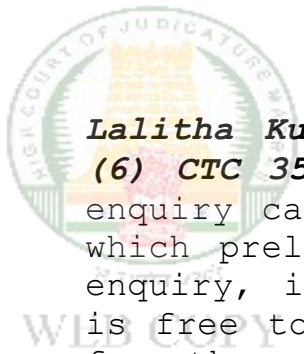
ORDER

This petition has been filed seeking a direction to the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

2.Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor.

3.The learned Additional Public Prosecutor would submit that the based on the complaint given by the third respondent CSR has been initiated and the same is pending in C.S.R.No.606 of 2018 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, 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Karimedu Police Station, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 cc TO Mr.K.Neethimohan, ADVOCATE IN SR NO.98315,98089

tm
MK/KK/SV/SAR 3/31.12.2018/2P/6C

Cr1.O.P. (MD) .No.19990 of 2018
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