

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.08.2018****CORAM****THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH****Crl.O.P. (MD)No.14714 of 2018**

1. Ganesan
2. Kamatchi

... Petitioners

Vs.

1. The Superintendent of Police
Madurai District
Madurai.

2. The Inspector of Police
Silaiman Police Station
Madurai District

3. Selvi
4. M.Krishnappan

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to interfere the civil dispute against the petitioners in O.S.No.79 of 2009 on the file of the District Munsif Court, Melur, Madurai District.

For Petitioners	: Mr. Udhaya Kumar
For Respondents	: Mr.K.Suyambulinga Bharathi
No.1& 2	Government Advocate (Crl.Side)

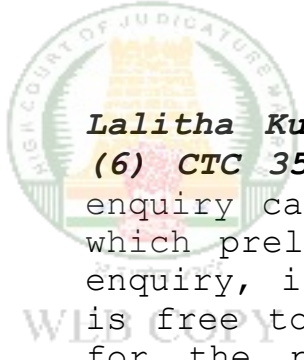
ORDER

This Criminal Original Petition has been filed to to direct the second respondent not to interfere the civil dispute against the petitioners in O.S.No.79 of 2009 on the file of the District Munsif Court, Melur, Madurai District.

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

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.S.R.No.379 of 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(w)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police
Madurai District
Madurai.
2. The Inspector of Police
Silaiman Police Station
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Udhaya Kumar, Advocate Sr.No.79753

AAV

VB/RP/SAR3/05.09.2018/2P/5C

Cr1.O.P.(MD)No.14714 of 2018
21.08.2018