



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2018

CORAM

WEB COPY THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14735 of 2018

G.Stalin

... Petitioner

Vs.

1. The Commissioner of Police
Tirunelveli City

2. The Assistant Commissioner of Police
Law and Order
Palayamkottai
Tirunelveli City

3. The Inspector of Police
Palayamkottai Police Station
Tirunelveli City

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondent not to harass the petitioner and his family members under the guise of holding any enquiry.

For Petitioner : Mr. R.Anand
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

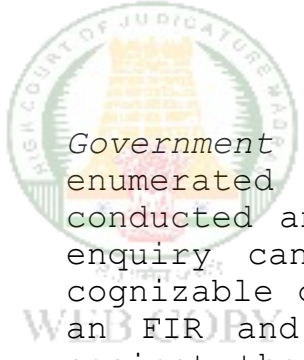
ORDER

This Criminal Original Petition has been filed to direct the second and third respondent not to harass the petitioner and his family members under the guise of holding any enquiry.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) for the 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.No.34/Ac.Comp/TN/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, 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 direction, this Criminal Original Petition is closed.

SD

ASSISTANT REGISTRAR (CS II)

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SUB ASSISTANT REGISTRAR (CS III)

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To

1. The Commissioner of Police
Tirunelveli City
2. The Assistant Commissioner of Police
Law and Order
Palayamkottai
Tirunelveli City
3. The Inspector of Police
Palayamkottai Police Station
Tirunelveli City
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. R. ANAND, ADVOCATE SR 79501

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Cr1.O.P. (MD) No.14735 of 2018

21.08.2018