



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14791 of 2018

Benny Sundarraaj

... Petitioner

Vs.

1. The Inspector of Police, (CRIME)
Palayamkottai Police Station,
Tirunelveli District.

2. Chandrasekar

3. Kavitha

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent not to harass the petitioner, by interfering civil matters by way of compelling the petitioner to settle imaginary amount to 2nd and 3rd respondent.

For Petitioner : Mr. S.R. Anbarasu
For Respondent-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side).

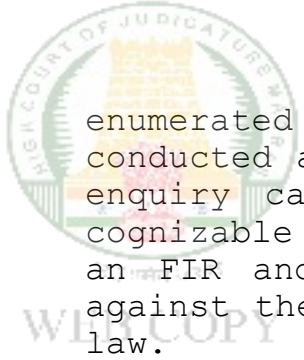
ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioner, by interfering civil matters by way of compelling the petitioner to settle imaginary amount to 2nd and 3rd respondent.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondent-1.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that petition enquiry is pending in C.S.R. No.301 of 2018 on the file of the first respondent police. After enquiry, the complaint was forwarded to CCB, Tirunelveli.

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, CCB, Tirunelveli 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(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

ksa

1. The Inspector of Police, (CRIME)
Palayamkottai Police Station,
Tirunelveli District.
2. The Inspector of Police,
c.c.B, Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.R.Anbarasu (sr No.79889

Cr1.O.P. (MD) No.14791 of 2018

NM/RSK/SAR III/15.10.18/2P/5C