



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.14842 of 2018

S. Thaha

... Petitioner

Vs.

1. The Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District.

2. Karuppasamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent, not to harass the petitioner and made any demand towards settle the amount of Rs.10,00,000/-to the 2nd respondent during enquiry on the basis of the complaint given by the 2nd respondent.

For Petitioner	: Mr.V. Sasi Kumar
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 and made any demand towards settle the amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the 2nd respondent during enquiry on the basis of the complaint given by the 2nd 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.453 of 2018 on the file of the 1st 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 (Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

KSA
TE/JM/RSK/SAR-3 : 11/09/2018 : 2P/3C

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