



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P. (MD) .No.20857 of 2018

WEB COPY

1.Ramar

2.R.Balamurugan

3.K.Abdul Rahman

... Petitioners

Vs.

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Anti Land Grabbing Wing,
Tirunelveli, Tirunelveli District.

3. The Sub Inspector of Police,
Anti Land Grabbing Wing,
Tirunelveli, Tirunelveli District.

4. C.Thangaraj

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 to 4 not to harass the petitioners and not to interfere with the civil dispute under the guise of enquiry.

For Petitioners : Mr.J.C.Rathnavel Pandian

For Respondent : Mr.R.Anandharaj

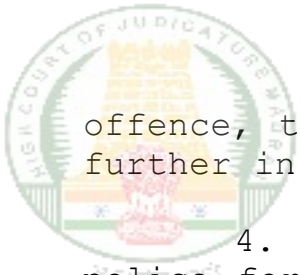
No.1 to 3 Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents 2 to 4 not to harass the petitioners and not to interfere with the civil dispute under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. The Additional Public Prosecutor would submit that on receipt of the complaint given by the 4th respondent an enquiry has been initiated in C.No.G7/4250/66243/18 and the enquiry is pending. It is made clear that the respondent shall not interfere with the civil dispute. If the enquiry reveals any cognizable



offence, the respondent police has to register a case and proceed further in accordance with law.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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 petitioners 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(Crl. Side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Anti Land Grabbing Wing,
Tirunelveli, Tirunelveli District.
3. The Sub Inspector of Police,
Anti Land Grabbing Wing,
Tirunelveli, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc To Mr.J.C.Rathnavel Pandian, ADVOCATE IN SR NO.97477

SJI

MK/KK/PM/SAR 3/28.12.2018/2P/6C

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