



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. 20835 of 2018

M.Chinna Babu

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
(District Crime Branch)
Anti Land Grapping Cell,
Madurai District.

3.Veerapradeep

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondents 1 and 2 not to interfere with the civil dispute between the 3rd respondent and the owner of the property in view of the pendency of the civil cases in O.S.No.157 of 2017, on the file of the Principal District Munsif of Thirumangalam and O.S.No.120 of 2018, on the file of the Principal Sub Judge, Thirumangalam.

For Petitioner

: Mr.R.Aravind Raj

For R-1 and R- 2

: Mr.R.Anandharaj

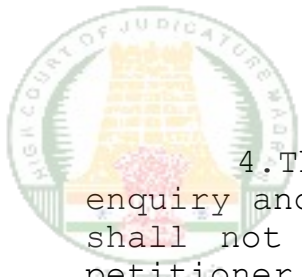
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents 1 and 2 not to interfere with the civil dispute between the 3rd respondent and the owner of the property in view of the pendency of the civil cases in O.S.No.157 of 2017, on the file of the Principal District Munsif of Thirumangalam and O.S.No.120 of 2018, on the file of the Principal Sub Judge, Thirumangalam.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first and second respondents.

3. The learned Additional Public Prosecutor would submit that on the complaint given by the 3rd respondent, petition enquiry is pending on the file of the 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 directions, the Criminal Original Petition is closed.

SD

ASSISTANT REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

sji
To

1. The Principal District Munsif of Thirumangalam.
2. The Principal Sub Judge, Thirumangalam.
3. The Superintendent of Police,
Madurai District, Madurai.
4. The Deputy Superintendent of Police,
(District Crime Branch) Anti Land Grapping Cell,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. ARAVINDAN, ADVOCATE SR 97233

KK RSK SAR 2
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