



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM:

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**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Cr1.O.P. (MD) .No.21131 of 2018**

P.Kuttiraj

... Petitioner

Vs.

1. The Superintendent of Police  
Virudhunagar District  
Virudhunagar

2. The Sub Inspector of Police  
Koomaptti Police Station  
Virudhunagar District

3. Madasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the second respondent police not to harass the petitioner by frequently summoning him to appear before the respondent's police office under the guise of enquiry since the matter pertaining to the civil dispute.

For Petitioner : Mr.A.D.Ganeshamoorthi

For R-1 & R2 : Mr.R.Anandharaj  
Additional Public Prosecutor

**O R D E R**

This petition has been filed seeking for a direction to the second respondent police not to harass the petitioner by frequently summoning him to appear before the respondent's police under the guise of enquiry.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the official respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that on the complaint given by the second respondent against the petitioner, petition enquiry is pending in C.S.R.No. 296 of 2018 on the file of the second 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 (AD-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police  
Virudhunagar District  
Virudhunagar

2. The Sub Inspector of Police  
Koomaptti Police Station  
Virudhunagar District

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr. A. D. Ganesha Moorthi, Advocate, Sr.No.97897.

**Crl.O.P. (MD) .No.21131 of 2018**

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RAM-ES/RSK/SAR 3/24.12.2018/2P/5C



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