



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD)No.21046 of 2018

S.Kannan

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai District.

3.Rajeswari

4.Samy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police not to harass the petitioner herein.

For Petitioner : Mr.D.Selvaraj
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor

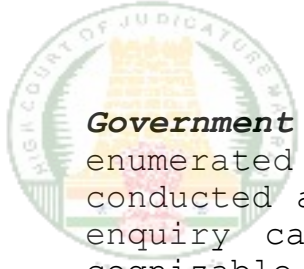
ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner herein.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the R1 & R2.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by the defacto complainant, petition enquiry is pending in C.S.R. No.192 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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

2.The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai District.

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

• 1 CC TO Mr.D.SELVARAJ , ADVOCATE IN SR No. 97496.

GNS

DS SKN SAR2 24 12 2018 2P 5C

Cr1.O.P.(MD)No.21046 of 2018
28.11.2018