



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.21051 of 2018

Azhagu

: Petitioner

Vs.

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

2. State Represented by
The Inspector of Police,
All Women Town Police Station,
Pudukkottai District.

3.Kannammal

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the second respondent not to harass the petitioner.

For Petitioner

: Mrs.A.Banumathy

For R1 & R2

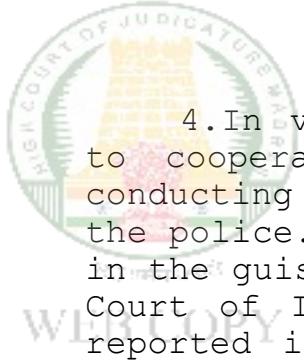
: Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

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

2.The learned counsel appearing for the petitioner would submit
that in respect of dispute between the petitioner and third
respondent, who is the wife of the petitioner, the respondent1
police unnecessarily harassing the petitioner in the name of
enquiry. He would further submit that the third respondent filed a
petition under Section 156(3) Cr.P.C before the Judicial Magistrate,
Pudukkottai and the same has been forwarded to the second respondent
herein.

3.The learned Additional Public Prosecutor appearing for the
respondent police would submit that based on the directions of the
Judicial Magistrate, Pudukkottai, the respondent police initiated an
enquiry and petition enquiry is pending before the second
respondent.



4. In view of the above submission, 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(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judicial Magistrate, Pudukkottai.
2. The Superintendent of Police,
Pudukkottai, Pudukkottai District.
3. The Inspector of Police,
All Women Town Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/s.A.Banumathy, Advocate, SR.No.97518

gns

SS/SV/SAR 4/21.12.2018/2P/6C

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28.11.2018