



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.15433 of 2018

M.Manimaran

... Petitioner

Vs.

1. The Superintendent of Police
Thanjavur District
Thanjavur
2. The Deputy Superintendent of Police
Kumbakonam
Thanjavur District
3. The Inspector of Police
East Police Station
Kumbakonam
Thanjavur District
4. Amutha
5. A.Manjula

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondents not to interfere in the civil dispute and not to harass the petitioner and his family members under the guise of enquiry without due process of law on the basis of the petitioner's representation dated 06.08.2018.

For Petitioner : Mr.S.Rajaprabu

For Respondents : Mr.M.Chandrasekaran
No.1 to 3 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second and third respondents not to interfere in the civil dispute and not to harass the petitioner and his family members under the



guise of enquiry without due process of law on the basis of the petitioner's representation dated 06.08.2018.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents 1 to 3.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.S.R. No.261 of 2018 on the file of the third 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, third 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 (Crl Side)

// True Copy //

Sub Assistant Registrar

To

1. The Superintendent of Police
Thanjavur District
Thanjavur

2. The Deputy Superintendent of Police
Kumbakonam
Thanjavur District

3. The Inspector of Police
East Police Station
Kumbakonam
Thanjavur District



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

WEB COPY+1 CC To MR.S.RAJAPRABU, Advocate SR. NO. 81176

Cr1.O.P.(MD)No.15433 of 2018

AAV

TR/RP/SAR-4 (17.09.2018) 3P 6C