



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.15481 of 2018

R.Balamurali Krishna

... Petitioner

Vs.

1. The State represented by
The Superintendent of Police
Sivagangai District
Sivagangai

2. The Inspector of Police
North Police Station
Karaikudi
Sivagangai District

3. Muthupandi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.M.Chandrasekaran
No.1 & 2 Additional Public Prosecutor

ORDER

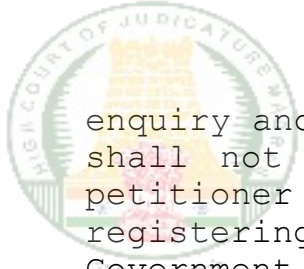
This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

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

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.352 of 2018 on the file of the second respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>

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(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police
Sivagangai District
Sivagangai
2. The Inspector of Police
North Police Station
Karaikudi
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.D.ANBARASU, ADVOCATE IN SR.NO.81880.

AAV
DS SV SAR-4 04.10.2018 2P/5C

Cr1.O.P. (MD) No.15481 of 2018