



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.15605 of 2018

Kolappan

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District.

2. State represented by its
The Inspector of Police
Susindram Police Station
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the second respondent herein not to harass the petitioner in the name of enquiry without due process of law.

For Petitioner :Mr.P.Venkatesan

For Respondents :Mr.M.Chandra Sekaran

Additional Public Prosecutor

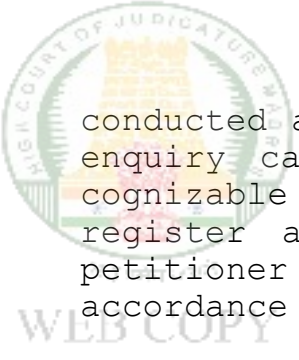
O R D E R

This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioner in the name of enquiry without due process of law.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the petitioner, petition enquiry is pending 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 respondents proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

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

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 81943

MSA

TE/RSK/SAR-3 : 19/09/2018 : 2P/5C

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