

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 04.09.2018

CORAM**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH****Cr1.O.P. (MD) No.15691 of 2018**

M.Thavamani

... Petitioner

Vs.

1. State represented by
The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
2. The Sub-Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
3. Sivasamy ... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.V.Vijayasethupathy
For Respondents : Mr.M.Chandrasekaran,
1 AND 2 Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner under the guise of enquiry.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that against the petitioner, petition enquiry is pending in C.S.R.No.837 of 2017 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(CS I)

/True Copy/

Sub Assistant Registrar(CS III)

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To

1. The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
2. The Sub-Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Order made in
Crl.O.P. (MD) No.15691 of 2018
04.09.2018