



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.15689 of 2018

1) K.N.S.Mohan

2) A.M.Dulasiram

... Petitioners

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Appanthiruppaaathy Police Station,
Madurai District.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent No.1 to instruct the respondent No.2 for not to harass the petitioner in the name of enquiry by considering representation submitted by the petitioner dated 22.08.2018.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.M.Chandrasekaran, Additional Public Prosecutor.

O R D E R

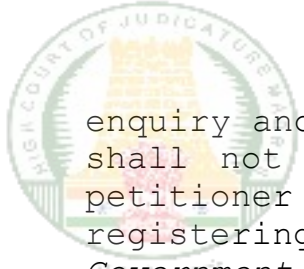
This Criminal Original Petition has been filed to direct the respondent No.1 to instruct the respondent No.2 for not to harass the petitioners in the name of enquiry by considering representation submitted by the petitioners dated 22.08.2018.

2. Heard learned counsel appearing for the petitioners 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.No.40/petn/A.D.S.P.S/18 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 (AS)

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SUB ASSISTANT REGISTRAR (CS II)

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To

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

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Order made in
Cr1.O.P. (MD) No.15689 of 2018
04.09.2018