



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.15712 of 2018

1) Thangavel

2) Sengodan

... Petitioners

Vs.

1. The Superintendent of Police,
Trichy District,
Trichy.

2. The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

3. Kuppusamy

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent not to harass the petitioners and his family members.

For Petitioners : Mr.K.M.Karunakaran

For Respondents : Mr.M.Chandrasekaran,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioners and his family members.

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 petitioners, petition enquiry is pending in Crime No.163 of 2018 under Section 436 I.P.C on the file of the second respondent police.



4. The petitioners are 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 petitioners 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,
Trichy District,
Trichy.
2. The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.K.M.KARUNAKAR, Advocate SR. NO. 82167

Order made in
Cr1.O.P. (MD) No.15712 of 2018
04.09.2018

STS

TR/RP/SAR-IV(03.10.2018) 2P 5C