



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.15729 of 2018

Maheswari

... Petitioner

Vs.

1. The Superintendent of Police,
Trichy District.

2. The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

3. Sethuraman

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to instruct the 2nd respondent shall not to interfere the civil dispute between the petitioner and the 3rd respondent under the guise of enquiry without any case.

For Petitioner : Mr.A.Uthayakumar

For Respondents: Mr.M.Chandrasekaran,

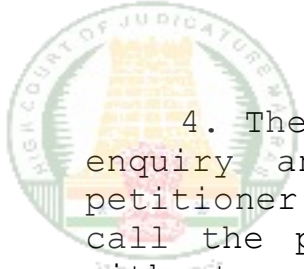
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to instruct the 2nd respondent not to interfere the civil dispute between the petitioner and the 3rd respondent under the guise of enquiry without any case.

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.293 of 2018 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-III)

// True Copy //

Sub Assistant Registrar (CS-II)

To

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

+ 1 CC TO MR.A.UTHAYAKUMAR, ADVOCATE IN SR NO.82025

STS

BU/SKN/SAR-II : 01.10.2018 : 2P/5C

Order made in
Crl.O.P. (MD) No.15729 of 2018
04.09.2018