



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.15723 of 2018

Thiyagarajakumar

... Petitioner

Vs.

1. State rep., by
The Superintendent of Police,
Kanyakumari District at Nagercoil.

2. State rep., by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

3. Murugan

4. Muthulakshmi

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry on the basis of the petitioner's complaint dated 24.08.2018 made to the 1st respondent.

For Petitioner : Mr.A.Elis Chitra Devi

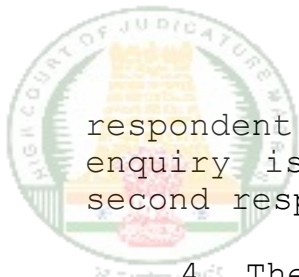
For Respondents : Mr.M.Chandrasekaran,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent and his officials not to harass the petitioner and his family members unnecessarily against law, under the guise of enquiry on the basis of the petitioner's complaint dated 24.08.2018 made to the 1st respondent.

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 P3/37375/18/PC13/74/18 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(WRITS)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

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

+1cc to M/s.A.Elis Chitra Devi, Advocate in SR No.82030

Cr1.O.P. (MD)No.15723 of 2018