



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.15801 of 2018

M.Duraiaraj

...Petitioner

Vs.

1.The District Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Office of the Superintendent of Police,
Trichy District.

3.The Inspector of Police,
Anti Land Grabbing Cell,
Office of the Superintendent of Police,
Trichy District.

4.Alamuthu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to give appropriate direction to the 3rd respondent thereby not to harass the petitioner in the case of civil disputes as enquiry, since the civil case in O.S.No.454 of 2014 is still pending before the District Munsif Court, Lalgudi.

For Petitioners

:Mr.P.Dhanasekaran

For R1 to R3

:Mr.K.Suyambuling Bharathi

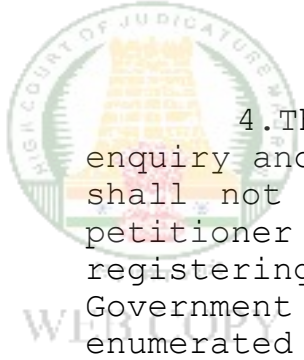
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the third respondent police not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending on the file of the 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, third respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5.With the above directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

- 1.The District Superintendent of Police,
Trichy District.
- 2.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Office of the Superintendent of Police,
Trichy District.
- 3.The Inspector of Police,
Anti Land Grabbing Cell,
Office of the Superintendent of Police,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NM/PM/SAR 1/05.10.18/2P/5C