



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.15907 of 2018

A.Malaisamy

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Othakadai Police Station, Madurai District.

2.The Inspector of Police,
Othakadai Police Station, Madurai City,
Madurai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, directing the respondents not to interfere with the civil dispute under the guise of enquiry frequently.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Chandra Sekaran
Additional Public Prosecutor

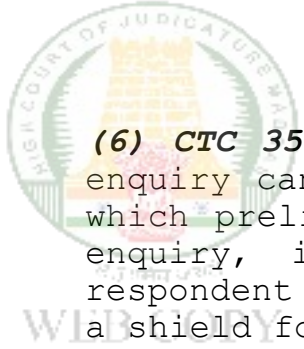
O R D E R

This Criminal Original Petition has been filed to direct the respondents not to interfere with the civil dispute under the guise of enquiry frequently.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that on the complaint given by Balasubramanian against the petitioner, petition enquiry is pending in G5.000434/37/2018, 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 the Supreme Court of India in



(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, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceedings to take action in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

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

+1 CC To MR.M.JAGADEESH PANDYAN, Advocate SR. NO. 82690

Cr1.O.P.(MD).No.15907 of 2018

06.09.2018

TSG

TR/RP/SAR-IV(28.09.2018)2P 5C