



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.15924 of 2018

V.Irulappan

...Petitioner

Vs.

1.The State of Tamil Nadu represented through its
The Superintendent of Police, Madurai District,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station, Samayanallur,
Madurai District.

...Respondents 1 & 2

3.Smt.R.Kavitha

...3rd Respondent / De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent not to harass the petitioner in the guise of enquiry and conduct "katta Panchayat" on the alleged complaint given by the third respondent.

For Petitioner

:Mr.M.Balakrishnan

For R1 & R2

:Mr.M.Chandra Sekaran

Additional Public Prosecutor

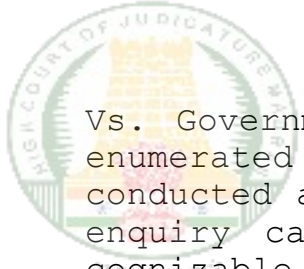
O R D E R

This Criminal Original Petition has been filed to direct the second respondent Police not to harass the petitioner in the guise of enquiry and conduct "katta Panchayat" on the alleged complaint given by the third respondent.

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 R.Kavitha against the petitioner, petition enquiry is pending in C.S.R.No.496 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 the 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, 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 (P&A)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Superintendent of Police, Madurai District,
Madurai.
 2. The Inspector of Police,
Samayanallur Police Station, Samayanallur,
Madurai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC TO MR.M.BALAKRISHNAN, ADVOCATE IN SR.NO.83194.

TSG
DS SV SAR-1 09.10.2018 2P/5C

Cr1.O.P.(MD).No.15924 of 2018

06.09.2018