



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD).No.16718 of 2018

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M.Imayabalan

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.

3.K.Backyalakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the second respondent herein not to harass the petitioner on the guise of enquiry.

For Petitioner :Mr.M.Shakul Hameed

For R1 & R2 :Mr.K.Suyambulinga Bharathi,
Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent herein not to harass the petitioner on the guise of enquiry.

2.The learned Government Advocate(Crl.side) appearing for the respondents police, on instructions, would submit that on the complaint given by K.Backyalakshmi/third respondent herein against the petitioner, petition enquiry is pending in C.S.R. No.346/18 dated 15.09.2018 on the file of the second respondent police.

3. 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.

4. With the above direction, this Criminal Original Petition is closed.

Sd/
Assistant Registrar(P&A)

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/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.SHAKUL HAMEED, Advocate, SR.No. 85324

Cr1.O.P. (MD) .No.16718 of 2018
19.09.2018

RMK

KK/SV/SAR-2/17.10.2018/2P-5C