



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.16225 of 2018

WEB COPY

K.Ahamed

... Petitioner

Vs

1. The Superintendent of Police,
Superintendent of Police Office,
Madurai - Theni Road,
Theni District.
2. Seemaisamy
The Deputy Superintendent of Police,
Uthamapalayam Taluk,
Theni District.

3.R.Nainar Mohammed

... Respondents

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

For Petitioner : Mr.V.Santhakumaresan

For R1 & R2 : Mr.M.Chandrasekaran
Additional Public Prosecutor

O R D E R

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

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for R1 and R2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.No.404/A.Camp/STO/V/18 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, 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. The respondent police is directed to complete the enquiry within a week. If the respondent police finds that the issue is civil in nature, the party shall be relegated the matter before the appropriate civil forum.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Superintendent of Police Office,
Madurai - Theni Road,
Theni District.
2. The Deputy Superintendent of Police,
Uthamapalayam Taluk,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RMI

AK-KK/SV/SAR3/2P-4C/16.10.2018