



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.16232 of 2018

WEB COPY

Stalin Arulprakash

... Petitioner

Vs

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

2. The Inspector of Police,
City Crime Branch,
Tiruchirappalli City.

3. Abdul Wahab

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent police not to harass the petitioner under the guise of enquiry without due process of law on the basis of petitioner's representation dated 10.08.2018.

For Petitioner : Mr.S.Deenadhayalan

For R1 & R2 : Mr.M.Chandrasekaran

Additional Public Prosecutor

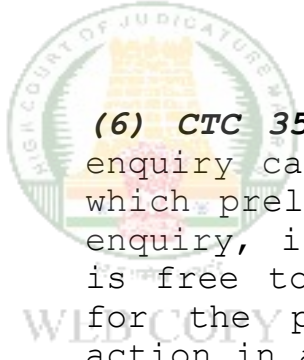
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent police not to harass the petitioner under the guise of enquiry without due process of law on the basis of petitioner's representation dated 10.08.2018.

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.499/PG/Camp/Cop/TRC/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.

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

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.
2. The Inspector of Police,
City Crime Branch,
Tiruchirappalli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Deenadhayalan, Advocate Sr.No.83533

RMI

VB/PM/SAR1/03.10.2018/2P/5C

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