



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.16243 of 2018

K.S.Veerapathiran

... Petitioner

Vs

1. The Superintendent of Police,
Theni District,
Theni.

2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Periyakulam,
Theni District.

3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

4. R.Pitchai

5. R.Annakamu

6. P.Kaliammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents 1 to 3 not to interfere with the civil dispute and not to harass the petitioner and his family members on the basis of the representation given by the petitioner dated 17.07.2018.

For Petitioner: Mr.K.Asok Kumar Ram

For R1 to R3 : Mr.M.Chandrasekaran

Additional Public Prosecutor

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for R1 to R3.

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.S.R.No.387 of 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 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, respondents 1 to 3 are 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/-

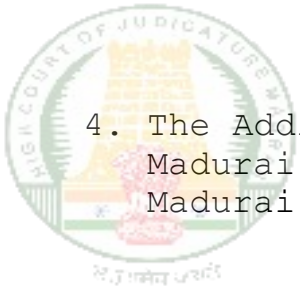
Assistant Registrar (CRL-SIDE)

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Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Theni District,
Theni.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Periyakulam,
Theni District.
3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam,



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

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+ 1 CC TO MR.K.ASOK KUMAR RAM, ADVOCATE IN SR NO.83424

RMI

BU/SKN/SAR-II : 03.10.2018 : 3P/6C

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