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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16319 of 2018

Arumugam ... Petitioner

Vs

1.State represented by
The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District. ... 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.S.Vijaya Kumar

For Respondents : 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 respondents not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Crl.side) for the respondents.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending.

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

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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 respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.

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

+1 CC To MR.S.VIJAYAKUMAR, Advocate SR. NO. 84941

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