



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.16323 of 2018

WEB COPY

Mohammed Buhari

.. Petitioner

-vs-

- 1.The Superintendent of Police
Sivagangai District, Sivagangai.
- 2.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.

4.S.Zakhariya Azhar

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to interfere the civil dispute in respect of the civil suit in O.S.No.25 of 2018 on the file of the District court, Sivagangai.

For Petitioner : Mr.S.A.Ajmal Khan

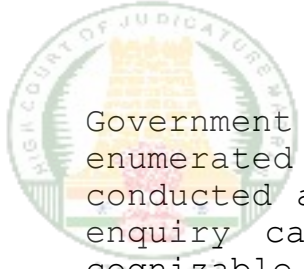
For Respondents 1 - 3: Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents not to interfere the civil dispute in respect of the civil suit in O.S.No.25 of 2018 on the file of the District court, Sivagangai.

2.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.No.176/No/Camp/18 on the file of the third 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police
Sivagangai District, Sivagangai.
 2. The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
 3. The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr. S.A. Ajmalkhan, Advocate, SR.No.83869

CRL.O.P. (MD) No.16323 of 2018
12.09.2018

TM
ES/RP/SAR 2/28.09.2018/2P/6C