



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.16307 of 2018

WEB COPY

Vachanaram

.. Petitioner

-Vs-

- 1.State represented by
The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assitant Commissioner of Police,
Thilagarthidal, Madurai City,
Madurai.
- 3.The Inspector of Police,
Thilagarthidal Police Station,
Thilagarthidal, Madurai District.
- 4.M.Krishnan
- 5.Krishnamoorthy

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.Karthick Subramanian

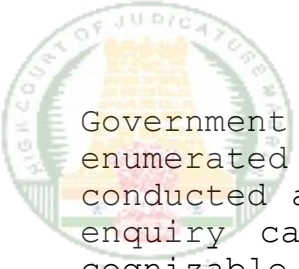
For Respondents 1 - 3: Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

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

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.122/AC/TTL/Crime/Camp/ML/18 on the file of the 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(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Thilagarthidal, Madurai City,
Madurai.
3. The Inspector of Police,
Thilagarthidal Police Station,
Thilagarthidal, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr. Karthick Subramanian, Advocate, SR.No.83961

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TM
ES/SKN/RSK/SAR 2/01.10.2018/2P/6C