



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.16527 of 2018

M.K.Muthukumaran

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Oomachikulam Circle Range,
Madurai District.

3. Muthupandian

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent for not to interfere into the civil dispute and not to harass the petitioner by considering the representation dated on 24.08.2018 within the time stipulated by this Court.

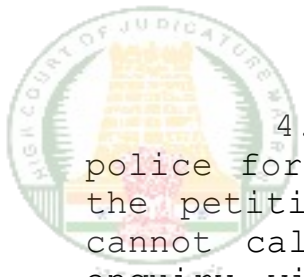
For Petitioner : Mr.R,Alagumani
For R1 & R2 : Mr.K.Suyambulingam Bharathi,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent for not to interfere into the civil dispute and not to harass the petitioner by considering the representation dated on 24.08.2018 within the time stipulated by this Court.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate (Crl.side) for the respondent police.

3. The learned Government Advocate (Crl.side) appearing for the respondents Police submits that on the complaint given by the second respondent against the petitioner, petition enquiry is pending in C.S.R. No.G5/039230/4079/GDP/18 respondent concerned.



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. On such exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Oomachikulam Circle Range,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

RMK

TE/SV/SAR-2 : 10/10/2018 : 2P/4C

Crl.O.P. (MD) No.16527 of 2018
17.09.2018