



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.16598 of 2018

P.Seetharaman

... Petitioner

Vs.

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

2.The Inspector of Police,
Tirunchendur Taluk Police Station,
Thoothukudi District.

3.Kamalam

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner under guise of enquiry based on the complaint given by the third respondent.

For Petitioner : Mr.M.Nallamuthu
For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under guise of enquiry based on the complaint given by the third respondent.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate(Crl.side) for the respondents 1 and 2.

3. The learned Government Advocate(Crl.side) appearing for the respondents police submits that on the complaint given by Kamalam/third respondent herein against the petitioner, petition enquiry is pending in C.S.R. No.355 of 2018 on the file of the



second 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, 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.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Tirunchendur Taluk Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC To MR.M.NALLAMUTHU, Advocate SR. NO. 84826

Cr1.O.P. (MD) No. 16598 of 2018
18.09.2018

RMK

TR/SKN/SAR-II (08.10.2018) 2P 5C