



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.16929 of 2018

P.Pasumpon

...Petitioner

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.

2.The Superintendent of Police,
Tirunelveli District.

3.Subbaiah Thevar

4.Perumalsamy

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C, to direct the first and second respondents herein not to harass the petitioner on the guise of any complaint except by following due process of law and by considering the representation dated 08.09.2018.

For Petitioner: Mr.V.Maharajan

For R1 and R2 : Mr.M.Chandra Sekaran

Additional Public Prosecutor

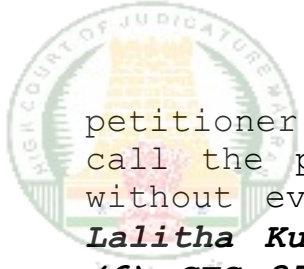
ORDER

This Criminal Original Petition has been filed to direct the first and second respondents herein not to harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the official respondents.

3. The learned Additional Public Prosecutor appearing for the official respondents submits that on the complaint given by the 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 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, first 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 (AS)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.
- 2.The Superintendent of Police,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.V.MAHARAJAN, ADVOCATE IN SR NO.86723

DAS

BU/SKN/SAR-I :29.10.2018 : 2P/5C

Cr1.O.P.(MD)No.16929 of 2018
24.09.2018