



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No.17033 of 2018

E.S.Rahamadullah

... Petitioner

Vs.

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

2.The Inspector of police,
Palani Town Police Station,
Palani, Dindigul District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents herein not to harass the petitioner herein and his family members under the guise of enquiry on the basis of the representation dated 06.09.2018 lodged before the respondents herein.

For Petitioner : Mr.A.Thiruvadi Kumar

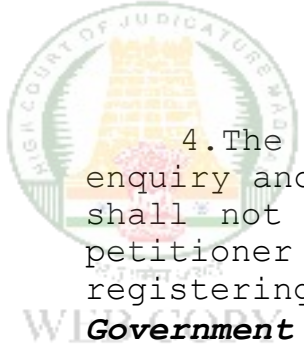
For Respondents : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents herein not to harass the petitioner herein and his family members under the guise of enquiry on the basis of the representation dated 06.09.2018 lodged before the respondents herein.

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

3.The learned Additional Public Prosecutor appearing for the respondents Police submits that on the complaint given by the de facto complainant against the petitioner, petition enquiry is pending in Current Paper No.C3/1334/32198/2018 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 (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To:

- 1.The Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Inspector of police,
Palani Town Police Station,
Palani, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.A.THIRUVADI KUMAR, Advocate SR. NO. 86570

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TR/RSK/SAR-I (12.10.2018) 2P 5C